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TEXAS HOUSE OF REPRESENTATIVES

COMMITTEE ON ELECTIONS

APRIL 7, 2009

VOLUME I OF III

Transcribed by Rhonda Howard, CSR
April 13, 2012



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CHAIRMAN SMITH: The House Committee
on Elections is now called to order. Will the Clerk
please call the role.

THE CLERK: Smith.

MR. SMITH: Here.

THE CLERK: Pena.

VICE CHAIR PENA: Here.

THE CLERK: Bohac. Bonnen.

REPRESENTATIVE BONNEN: Here.

THE CLERK: Brown.

REPRESENTATIVE BROWN: Here.

THE CLERK: Harper-Brown. Heflin.

REPRESENTATIVE HEFLIN: Here.

Present.

CHAIRMAN SMITH: All right. There
being a quorum present, welcome, those of you who
have traveled to Austin from, I presume, a variety
of locations around our state to testify on the
legislation that's been set for hearing today. I
don't -- I don't know -- there was a few of you that
I recognized in the audience of having spent a lot
of time with you yesterday. The Committee heard
from a number of expert witnesses on both sides of
the issue that is before us tonight from early
yesterday afternoon until 1:30 in the morning and



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1 then got up early this morning to lay out bills and
2 various committees. So if any of the members of the
3 panel look tired before we get started, that's the
4 reason for that.

5 We -- we are here today to hear from
6 anybody who wishes to testify on this issue.
7 Obviously, because we have an overflow crowd of
8 members of the public who wish to testify, there's
9 going to be -- have to be some kind of reasonable
10 limitation on the amount of time that -- that the
11 witnesses spend on each of the given bills.

12 We have six bills by six different House
13 Members that are -- that are related in some manner
14 to this subject that are before us this -- this
15 evening as a matter of new business. Then we have
16 one piece of pending business, which is the Senate
17 bill that has already been voted out of the Senate
18 and is now before us in the House. It's the only
19 Senate bill on the agenda. The rest of them are
20 House bills. Given the fact that that is likely to
21 be the vehicle that will be used in moving this
22 legislation, we're going to lay that piece of
23 legislation before the Committee first.

24 And just for those of you who do not
25 understand, your testimony on any of the bills that



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1 are before the Committee or on this subject in
2 general can be helpful and instrumental in giving us
3 ideas and information that will help us draft
4 whatever language we as a Committee decide to -- to
5 place into the Senate bill. In order to vote the
6 Senate bill out of Committee, it's not necessary for
7 us to -- to use the exact language that came out of
8 the Senate. We are free to substitute in our own
9 policy preferences to that -- to that Senate bill
10 and then move it through the House.

11 It's the Chair's intention that we have
12 a -- please notice here, the Clerk's desk we have a
13 timing device. And what -- what kind of a warning
14 do we give them, Travis? We're going to allow 30 --
15 three minutes of testimony per witness, and there's
16 going to be a yellow light at 30 seconds. After
17 that point in time, after each witness has had the
18 opportunity to say whatever is on their mind
19 uninterrupted for a period of three minutes, then
20 the panel will at that point in time have the
21 opportunity to ask questions.

22 We're going to go as long as it takes to
23 hear from everybody to the extent that they wish for
24 us to hear from them. I -- I would say that to the
25 extent that there are any part of you that are



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1 like-minded folks and came from a particular part of
2 the State and there's one person that speaks for
3 that group and -- as a matter of efficiency, it
4 would be just as well for you if one person spoke
5 for five or ten people. Again, I'm not telling you
6 to do that, but if there's anybody who would wish to
7 do that, I certainly will allow you to say, "I'm
8 hear speaking on behalf of this group," and allow
9 the group that you're speaking on behalf of to stand
10 behind you as you begin to make your presentation.

11 In order to comply with the rules of the
12 House, it's going to be important whenever you
13 testify for you to state your name and who you
14 represent on the record and to direct your testimony
15 to the bill before the Committee at the time that
16 you're testifying. So, you know, when -- we're
17 going to take up Senate Bill 362 first, again, which
18 is the vehicle that is likely to be moved to vote
19 whatever language we agree to in Committee out of
20 Committee. At that point in time please limit your
21 testimony to Senate Bill 362.

22 After we finish hearing testimony on that,
23 we will go to the new business and hear those bills,
24 as well, in -- in -- in -- in -- early together as a
25 group or individually bill by bill by bill depending



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1 on what time it is and -- and circumstances that we
2 find ourselves in at that point in time.

3 All right. I think that's a general
4 description of how we're going to proceed.

5 Do we have some witnesses that are going
6 to be first? Do you understand who that is?

7 REPRESENTATIVE ANCHIA: Mr. Chair --

8 CHAIRMAN SMITH: Representative
9 Anchia.

10 REPRESENTATIVE ANCHIA: -- there will
11 be Representatives that need to leave because
12 they're laying out bills.

13 CHAIRMAN SMITH: Sure. This is not,
14 unfortunately, the only thing that the members of
15 the Committee have going on. There are committees
16 meeting all over the Capitol as we speak, throughout
17 the evening, throughout the afternoon. The members
18 of the Committee -- in fact, some of them do as we
19 speak -- they're in other committees laying out
20 other bills in front of other committees. And so we
21 will have members that will be bouncing from other
22 obligations to this hearing as is necessary
23 throughout the afternoon and evening.

24 Representative Dunnam, Chairman Dunnam.

25 UNIDENTIFIED REPRESENTATIVE: Yeah.



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1 Chairman Smith, I'm not a member of the Committee,
2 but I wanted to know if you would entertain one
3 procedural question based on something you just
4 said.

5 CHAIRMAN SMITH: Okay.

6 REPRESENTATIVE DUNNAM: You just said
7 the Senate Bill 362 would be used as the vehicle for
8 whatever came out of this Committee. And I'm not --
9 I'm not sure, but is the Chair aware that if you
10 limit that to the vehicle, then you are prohibiting
11 any amendment or alteration in 362 that is not
12 germane to 362? Therefore, the House is going to be
13 constrained by the Senate's approach, and we will
14 not be able to offer alternatives that go beyond
15 the -- the approaches that the Senate made.

16 If that's -- if the decision has already
17 been made that that is going to be the vehicle, then
18 I just want to know, because then -- because my
19 suggestions may not be germane under our procedural
20 rules in the House. And I just want to know if that
21 decision's already been made.

22 CHAIRMAN SMITH: To -- to -- I
23 believe that what I said is that that decision is
24 likely to be the vehicle for any issues. I
25 didn't -- I didn't say this, but what I intended to



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1 imply to the extent that it is germane and certainly
2 to the extent that we are hearing non-germane
3 additional pieces of legislation, then to the extent
4 that the Committee wishes to, we would have the
5 ability to vote those bills out separately. But to
6 the extent that it is germane, I think it is the
7 intent of the Chair to -- to rely on the Senate bill
8 as a vehicle for -- for legislation that is germane
9 to the Senate bill.

10 UNIDENTIFIED REPRESENTATIVE: If the
11 House -- the House Committee -- if your Committee
12 does come up with an alternative, a comprehensive
13 alternative regarding the issue of voter
14 impersonation that is not germane, is -- is the
15 House going to be able to vote on --

16 CHAIRMAN SMITH: If we do that then I
17 will have changed my intent. I'm simply expressing
18 my presumption at this point.

19 UNIDENTIFIED REPRESENTATIVE: That --
20 and that's all I was asking.

21 CHAIRMAN SMITH: Okay.

22 UNIDENTIFIED REPRESENTATIVE: Thank
23 you.

24 CHAIRMAN SMITH: Thank you.

25 Chair at this time will pass the gavel to



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1 Vice Chairman Pena.

2 VICE CHAIR PENA: (Inaudible).

3 CHAIRMAN SMITH: Yeah.

4 VICE CHAIR PENA: The Chair
5 recognizes Representative Bohac as being present.

6 The Chair now lays House -- SB-362 by
7 Fraser as pending business and calls on
8 Representative Smith to explain the bill.

9 REPRESENTATIVE SMITH: Members of the
10 Committee, you have already had the opportunity to
11 listen to a fairly exhaustive description of what is
12 in the Senate bill. For purposes of the audience
13 and in order to do this in as summary a manner as
14 possible, the Senate bill provides for a number of
15 mechanisms by which the public is to be notified of
16 the changes that would -- would, under that Senate
17 bill, occur in our election law. And in its
18 simplest form, the Senate bill alters current law,
19 which requires that any voter in this state provide
20 some sort of identifier on a designated list of
21 photo identifications or on a designated list of
22 non-photo identifications. That's current law.

23 What the Senate law does in general is
24 change current law so that instead of requiring
25 either one form of photographic identification or



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1 one form of non-photographic identification, again
2 on these designated lists, allows a voter to cast a
3 vote with either one form of photo identification or
4 two forms of non-photo identification on the
5 non-photo I.D. list.

6 There are other technical aspects to
7 testimony. For example, requiring that the
8 Department of Public Safety provide a free
9 identification card for members of the public who
10 indicate that their sole purpose for obtaining that
11 card is to use it for purposes of voting in
12 elections in our state. That's a -- that's a very
13 general explanation of my understanding of what is
14 in Senate Bill 362.

15 VICE CHAIR PENA: Let's open it up
16 for questions. Members, do we have any questions?

17 All right.

18 UNIDENTIFIED REPRESENTATIVE:

19 Mr. Chairman?

20 VICE CHAIR PENA: Yes.

21 CHAIRMAN SMITH: We have a number of
22 witness affirmation forms. Again, I'll help you
23 with the rules. As you present yourself -- and the
24 first person we wish to hear from today is Randall
25 Buck Wood, who is a lawyer who is here today to



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1 testify -- yes.

2 VICE CHAIR PENA: (Inaudible).

3 REPRESENTATIVE BROWN: I just had one
4 question before you proceed.

5 CHAIRMAN SMITH: Oh, I'm sorry.
6 Yeah.

7 REPRESENTATIVE BROWN: I think it's
8 real important that we address what happens when
9 someone fails to present the needed documents at the
10 time they -- they come to -- to vote. And so I
11 would like to hear you, then, explain in -- in the
12 Senate bill what happens at that point if they don't
13 have those needed documents. Do they vote the
14 provisional ballot and then have so many days to
15 come back and prove up what...

16 CHAIRMAN SMITH: Yeah. I -- I -- I
17 don't recall there being a specific provision. And
18 so my -- my -- my -- I believe I'm correct in saying
19 that provisional ballots would be handled pursuant
20 to current law.

21 REPRESENTATIVE BROWN: Okay. So
22 there's -- okay. But they would -- they would vote
23 a provisional ballot at that point?

24 CHAIRMAN SMITH: Yes.

25 REPRESENTATIVE BROWN: Okay.



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1 CHAIRMAN SMITH: Just as a voter
2 would now if they are not on the voter registration
3 rolls. That's my understanding.

4 REPRESENTATIVE BROWN: Thank you.

5 CHAIRMAN SMITH: Okay. At this time
6 the Chair calls Randall Buck Wood, who is an
7 attorney representing himself and who's here today
8 to testify against Senate Bill 362. Welcome.

9 RANDALL BUCK WOOD: Thank you,
10 Mr. Chair, Members of the Committee.

11 CHAIRMAN SMITH: Your name and who --

12 RANDALL BUCK WOOD: My name is
13 Randall Buck Wood. Buck is really my middle name.
14 Nobody wants to believe that --

15 CHAIRMAN SMITH: Right.

16 RANDALL BUCK WOOD: -- but I was born
17 in Athens, by the way.

18 Members, I know I've got a very short
19 period of time here. I believe -- I listened to a
20 lot of the testimony yesterday on this issue.

21 I was director of the Elections Division
22 in the Secretary of State's office starting in 1969
23 under (inaudible), Jr. and then later Bob Bullock.
24 I have been doing elections work contests,
25 investigations, practicing in the area of elections



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1 ever since.

2 I will say that the overriding goal of
3 this Committee and this Legislature should be to do
4 one thing, make certain that every qualified voter
5 who is actually qualified get to vote and that vote
6 gets counted. That should be your goal.

7 I believe that this can be accomplished
8 within the framework of Senate Bill 362. And here's
9 the issue: One, although this bill does require
10 certain identification, it -- it -- it does allow
11 you to vote a provisional ballot, but it needs to do
12 more than that.

13 One of the things that we're all operating
14 with, I can tell you that in all of the 35-plus
15 years that I've been doing this I've never found
16 anybody impersonating. And I do election contests
17 and we investigate these. We investigate them
18 diligently. I've never found a person
19 impersonate -- impersonating another voter.

20 I do know that it probably happens here
21 and there. I have never found a non-citizen -- and
22 I bet I've done 25 election contests all across the
23 State where we looked for citizenship. I have never
24 found a single citizen or a non-citizen voting in an
25 election.



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1 I'm sure -- I know that a few years ago we
2 had election contests here in the House, and they
3 claimed they were going to have 200-something
4 illegal citizens. And it turned out they had one.

5 What we need to do is very simply this:
6 Don't educate the voter not to come to the voting
7 place. Educate the voter to come to the polling
8 place, because the voter is going to get the vote.
9 And ensure that that vote is counted if the proper
10 identification information is presented to the
11 proper officials within the time period.

12 It will do two things. There's this
13 argument that there is a problem, and no one knows.
14 The fact of the matter is if we do this bill
15 properly we will then know within a few elections if
16 we have a problem. And if we have, we will have
17 stopped it. And if we don't have a problem, we
18 don't need to go through all this anymore. The
19 simple way to do that is allow each individual who
20 doesn't have proper identification to vote not just
21 a provisional ballot but a special provisional
22 ballot that will be marked for identification
23 purposes so that you will be able to pull those out
24 of people who didn't have identification. Give that
25 information to the candidates, the officials and



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1 have the registrars or the elected officials that
2 are going to be running the election make a
3 reasonable attempt to contact that individual and
4 find out if they are citizens. And I can tell you
5 that this can be done and it will be done. There
6 will be enough candidates and other individuals that
7 contact these people and try and determine if they
8 are actually citizens. And then we must mandate
9 that that vote gets counted, because right now even
10 though it's supposed to be true, provisional ballots
11 in many cases are not ever being counted even where
12 they're -- they're legitimate votes.

13 CHAIRMAN SMITH: Okay. Mr. Wood,
14 thank you. I'm sorry. I'm going to try to stick
15 somewhat with this. But I do want to give the
16 Members of the Committee an opportunity to ask you
17 questions. Representative Anchia.

18 REPRESENTATIVE ANCHIA: Yes, sir.
19 Mr. Wood, you talked a little bit about non-citizen
20 voting. But I want to make sure we have our -- our
21 terms and our definitions straight.

22 Voter I.D. is designed to deal with voter
23 impersonation at the polls. Non-citizen voting
24 would not be prevented by voter I.D.

25 To the extent it happens, typically what



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1 we've found in our -- in our study of this during
2 the 2005 session, 2006 session, 2007 session --
3 okay. Excuse me, 2006 interim, 2008 interim, is
4 that if there are legal permanent residents -- if
5 there are non-citizens voting, it's legal permanent
6 residents. And I think we found maybe two or
7 three --

8 RANDALL BUCK WOOD: Yeah.

9 REPRESENTATIVE ANCHIA: -- of these
10 cases. And this Senate bill would not stop a legal
11 permanent resident from voting, because most, if not
12 all, legal permanent residents have driver's
13 licenses or some state I.D.

14 RANDALL BUCK WOOD: Yeah.

15 REPRESENTATIVE ANCHIA: I just want
16 to make sure we have our -- our terms correctly --
17 defined correctly.

18 Can we talk really, really quickly about
19 voter fraud in Texas? Have you -- have you --
20 you've done election contests, many of them. Have
21 you found voter fraud in Texas?

22 RANDALL BUCK WOOD: Yes.

23 REPRESENTATIVE ANCHIA: What type and
24 Were?

25 RANDALL BUCK WOOD: It's almost



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1 totally restricted -- when I say voter fraud what I
2 mean is someone who is intentionally going in and
3 trying to rig the system.

4 REPRESENTATIVE ANCHIA: Uh-huh.

5 RANDALL BUCK WOOD: Okay? I -- that
6 does exist in Texas. And, in fact, it exists in all
7 areas of the State, and it is serious.

8 Now, it has -- in order to be serious,
9 it's got to affect outcomes of the elections. It's
10 got to be done in such numbers, you know.

11 Almost all the voter fraud in Texas is
12 done through early voting by mail. We've -- I've
13 worked with Senators and House Members through the
14 years to try to figure out how to do something about
15 it, and we've never been able to come up with a way
16 to do anything about it. And this bill doesn't do
17 anything about it.

18 REPRESENTATIVE ANCHIA: I was going
19 to say, does the Senate bill do anything about it?

20 RANDALL BUCK WOOD: No, it does not.

21 REPRESENTATIVE ANCHIA: Mail-in
22 ballots.

23 RANDALL BUCK WOOD: No, it does
24 nothing, and that's where the voter fraud is.

25 We have another type of voter fraud that's



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1 considered fraud. But it's -- it's people voting
2 where they -- when they shouldn't be voting there.
3 And that's where people -- they grew up, you
4 know, somewhere and mama still lives there, they
5 move away and they keep voting at home. And after a
6 while, the Court says you can't do that. I find
7 quite a bit of people who are not residents of that
8 voting precinct or even that county still voting in
9 that county. And this Senate bill won't do anything
10 about that, either, because they vote by mail; most
11 of them vote by mail.

12 REPRESENTATIVE ANCHIA: Absentee
13 ballots?

14 RANDALL BUCK WOOD: Absentee ballots.
15 Now, some of them do turn up on election day.
16 They'll actually go back home. They'll go from San
17 Antonio to Laredo or from Houston to Polk County or
18 wherever.

19 We do have another type of -- when I said
20 non-citizen voting, I mean, this -- this was all by
21 mail, too. And that is you have people who belong
22 to -- or not belong to; they actually buy a service
23 from an organization in Texas. And then that --
24 they get registered in Texas. And even though most
25 of them have never been in -- a lot of them have



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1 never been in Texas and most of them have spent very
2 little time here, but they vote here and they vote
3 here by the thousands. They do that in order to --

4 REPRESENTATIVE ANCHIA: Is that
5 organization called ACORN or something like that?

6 RANDALL BUCK WOOD: No. It's called
7 Escapees.

8 REPRESENTATIVE ANCHIA: Escapees.
9 Explain what Escapees is.

10 RANDALL BUCK WOOD: Escapee [sic] is
11 a business. It is a business that services people
12 who travel and have RVs. And they have a
13 campground, very small one, in Polk County. And the
14 Escapees control Polk County. There's about 15,000
15 of them that -- that register to vote in Polk
16 County. That -- that elects all kind -- they elect
17 all the county-wide officials, the County
18 Commissioner, the Sheriff, everybody, school board,
19 even though none have kids in school. But this bill
20 won't do anything about that, because almost all of
21 them vote by mail.

22 REPRESENTATIVE ANCHIA: I want to
23 make sure I understand that situation.

24 These are people many of whom do not live
25 in Texas. You said it's an RV club or --



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1 RANDALL BUCK WOOD: It's a -- it's an
2 RV club.

3 REPRESENTATIVE ANCHIA: It's an RV
4 club. These people don't live in Texas?

5 RANDALL BUCK WOOD: No, they don't
6 live here.

7 REPRESENTATIVE ANCHIA: 15,000 of
8 them vote how, by mail?

9 RANDALL BUCK WOOD: By mail.

10 REPRESENTATIVE ANCHIA: And how big
11 is the RV park? I mean, do they --

12 RANDALL BUCK WOOD: Hold -- hold
13 about 300 vehicles.

14 REPRESENTATIVE ANCHIA: So 300
15 vehicles and 15,000 people are voting there.

16 RANDALL BUCK WOOD: And if -- and
17 if -- the main reason they want to do it, first of
18 all, it -- the Escapees' business does provide a
19 good service to these people.

20 REPRESENTATIVE ANCHIA: Uh-huh.

21 RANDALL BUCK WOOD: But the main
22 reason they do, if you register your car in Polk
23 County and you get a voter registration card in Polk
24 County, you tell California you're no longer paying
25 their income tax. And that's why most of them do



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1 it.

2 REPRESENTATIVE ANCHIA: It is a
3 tax -- it's a tax deal?

4 UNIDENTIFIED REPRESENTATIVE: Yes,
5 it's a tax avoidance.

6 RANDALL BUCK WOOD: It's a tax
7 avoidance issue. But they vote and they vote in
8 large numbers. And there's been some bills about
9 this in the past --

10 CHAIRMAN SMITH: Yes. We've had some
11 legislation about this in the past. I can't
12 remember it off the top of my head. It was a hot
13 issue three or four sessions ago.

14 RANDALL BUCK WOOD: It was. And by
15 the way, the Legislature even made it easier for
16 them to vote and more difficult for them to be
17 challenged in -- for -- about three or four sessions
18 ago, because I file election contests down there.
19 And they took depositions all over the country, and
20 everybody had a place to live. They lived in
21 Arizona or they lived -- or they had a permanent RV
22 spot. But they're members of the Escapees and they
23 vote. They control Polk County bond elections, you
24 name it.

25 Now, that -- that's one that's -- these



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1 people are good people. They're not -- they're not
2 crooks, but they don't live in Texas and they're not
3 citizens of Texas. And if it was done -- most of
4 them -- in Blanco County, the Attorney General would
5 be out there in nothing flat and say, "You can't do
6 that," but that hasn't happened.

7 UNIDENTIFIED REPRESENTATIVE:

8 Mr. Wood, I want to ask a question. You -- you said
9 that you and some friends had spent a lot of time
10 looking at the issue of how you could get at the
11 no -- at the problem of absentee ballot fraud.
12 What's the block there? What's the -- help me with
13 the dilemma of why you're having trouble find a
14 solution to that problem.

15 RANDALL BUCK WOOD: I worked with
16 Senator Zacharany (phonetic), and I can't remember
17 how many members of the House over a period of
18 sessions trying to figure out how to preserve the no
19 excuse -- no excuse mail absentee voting especially
20 over the age of 65. That's where -- that's where it
21 applies. You can also -- you could go below 65 if
22 you're disabled. And we've never been able to
23 figure out a way to whip that problem and at the
24 same time allow those people who are really entitled
25 to vote that way and should be able to vote that way



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1 to vote. We've never been able to do it. There's
2 just not -- we used to -- we didn't -- we used to
3 have an excuse. You had to have an excuse. Not --
4 just being 65 didn't get it. You had to have a note
5 from a doctor or somebody that said that you were
6 not able to attend the polling place.

7 We got rid of that and there's organized
8 fraud in that -- in that area. I have tried
9 election contests where we found thousands of them
10 that had never -- the people never even voted their
11 ballots.

12 UNIDENTIFIED REPRESENTATIVE: People
13 what?

14 RANDALL BUCK WOOD: People didn't
15 vote their ballots. Ballots were taken away from
16 them, they were taken away from their mailboxes, all
17 sorts of things that you would have a hard time
18 believing. We proved it up, through the election
19 out in -- and it happened to -- occurred in Webb
20 County. I've seen it -- I've seen it in east Texas,
21 I've seen it in San Antonio, I've seen it in Dallas.
22 They go to nursing homes, and these people are not
23 in a position of registering to vote. And then
24 they'll go by and vote them, and that -- that
25 happens. And there's nothing in Senate Bill 362



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1 that's going to help that.

2 UNIDENTIFIED REPRESENTATIVE: Did --
3 did -- is there anything in the Woolens (phonetic))
4 litigation that was passed in -- early in this
5 decade that helped any in that regard?

6 RANDALL BUCK WOOD: He tried to.

7 UNIDENTIFIED REPRESENTATIVE: Yeah.

8 RANDALL BUCK WOOD: He tried to -- he
9 tried to restrict the number of people that you
10 could assist in -- because in -- this is organized.

11 UNIDENTIFIED REPRESENTATIVE: Uh-huh.

12 RANDALL BUCK WOOD: But he tried to.
13 It has had some impact. But I just try election
14 contests not too long -- I guess it was the spring,
15 and it -- it's still there.

16 UNIDENTIFIED REPRESENTATIVE: Okay.
17 Representative Heflin?

18 REPRESENTATIVE HEFLIN: Now,
19 Mr. Wood --

20 RANDALL BUCK WOOD: Yes.

21 REPRESENTATIVE HEFLIN: -- back to
22 provisional ballot thing --

23 RANDALL BUCK WOOD: Yes.

24 REPRESENTATIVE HEFLIN: -- now you're
25 saying they would have the (inaudible) to cure the



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1 deficiency that they didn't have the registration
2 card or identification. Is that right?

3 RANDALL BUCK WOOD: Identification,
4 yes.

5 REPRESENTATIVE HEFLIN: And let me
6 preface this by saying, last night we heard
7 testimony in Florida they gave them two days to
8 cure; they were curing about a third of the special
9 provision ballots for lack of I.D. and -- whereas in
10 Georgia and Indiana, where they gave them five days
11 to seven days, they were cured up to two-thirds.

12 So how many days would be an ideal time to
13 give a voter the opportunity to cure their
14 deficiencies in their --

15 RANDALL BUCK WOOD: Okay. You need
16 enough time. Two days is just -- that's ridiculous.
17 I mean, you're not going to get anybody cured in
18 that period of time. You're just going to throw
19 away a lot of people's -- actually, what you're
20 doing by not having a sufficient time to cure,
21 you're pitching out ballots of people who are truly
22 qualified to vote. They should have been allowed to
23 vote, and their vote should have counted. And I
24 can't think of anything more important in our
25 democracy than to make sure that those votes get



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1 counted.

2 There's a present provision on provisional
3 ballots. Unfortunately, it's not very strong
4 about -- and I can tell you in many major counties
5 they never count any provisional ballots. Even if
6 they come in and verify, they don't count them.

7 You need -- I think you need at least
8 seven days.

9 Now, what I also think you need to do is
10 have involvement, not just of -- by the voter.
11 Somebody needs to contact that voter and make sure
12 the registrar has this information. You can contact
13 that voter. Other people, third parties, can
14 contact that voter and see if they are actually
15 qualified to vote; supply -- help supply the
16 additional information that needs to be to get their
17 ballots counted.

18 I -- I -- I will tell you that I look for
19 these kind of situations in every election contest.
20 I've never found one yet.

21 REPRESENTATIVE HEFLIN: So -- so for
22 instance, then, if you had it marked as a special
23 provisional ballot and that person had the
24 opportunity to cure, now you say others should be
25 able to help them? Like, are you saying political



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1 parties or whatever --

2 RANDALL BUCK WOOD: Yes.

3 REPRESENTATIVE HEFLIN: -- AARP,
4 whatever group --

5 RANDALL BUCK WOOD: Yeah. League of
6 Women Voters.

7 REPRESENTATIVE HEFLIN: -- anybody?
8 Okay.

9 RANDALL BUCK WOOD: Many of these
10 people who come into the polling place, they are
11 qualified voters. They're not going to have this
12 identification. I mean, that's what's going to
13 happen. You're going to see it. Those people --
14 there needs to be every effort made to make sure if
15 that -- if that person is qualified to vote that
16 their vote gets counted.

17 This issue, you know, Representative
18 Anchia, that you brought up about voter
19 impersonation, I've never -- I've never seen it. I
20 read about one person that the Attorney General
21 found. I've never seen it. I get told about it.
22 When you get into election contests, oh, you get the
23 supporters of whoever you're representing comes in
24 and says, oh, we've got these things going here,
25 these things going here. Most of it I investigate,



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1 and it doesn't pan out.

2 I have actually had some people tell me,
3 that, well, look at these all these signatures, they
4 look the same; something went down and impersonated
5 them and the election judge did this, that and the
6 other. I've never found one, and I've done hundreds
7 of these. Never ever found anybody impersonating
8 anybody.

9 REPRESENTATIVE HEFLIN: What about
10 this person comes back and shows proper I.D. or
11 whatever they have to do to cure their ballot, so is
12 that ballot changed to a regular ballot then?

13 RANDALL BUCK WOOD: It's done like a
14 provisional -- an ordinary provisional ballot
15 that -- see, most of the provisional ballots we get
16 now is because the voter registration roles are just
17 wrong. I mean, it's nothing -- it's going to
18 happen. I mean, it does happen. It happens in
19 every election, in fact, every precinct. It
20 gives -- that ballot then gets counted in --

21 REPRESENTATIVE HEFLIN: Like a
22 (inaudible).

23 RANDALL BUCK WOOD: -- and gets
24 included in the totals.

25 REPRESENTATIVE HEFLIN: Now, one



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1 thing that you said that I liked is we heard
2 testimony last night that the -- the three states I
3 mentioned don't have hard numbers on how many
4 ballots were denied or made provisional because of
5 voter I.D. or lack of identification.

6 So by marking as a special provisional
7 ballot for that purpose, then we could actually
8 track who's actually doing that.

9 RANDALL BUCK WOOD: You would be
10 able -- law enforcement -- I know there's been some
11 criticism of the A.G.'s office, because they've
12 spent a lot of money and they haven't had a lot of
13 results.

14 Local prosecutors -- it's true local
15 prosecutors don't do this, because they've got rapes
16 and murder and all this other stuff.

17 This would actually -- if you do it this
18 way, the local prosecutor as well as the Attorney
19 General will know who went to the polling place and
20 who wasn't entitled to vote. And we would find out
21 within a few elections if this is really a problem,
22 because we'll be able to identify those individuals.
23 We'll be able to contact them. We'll be able to see
24 if they were eligible to vote. And we for the
25 first -- we'd be the first state in the nation, the



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1 first state in the nation, that can build a database
2 and say, "Here's what the problem is or isn't." And
3 we would be able to do that, I suggest, within one
4 primary and one general election.

5 If we need this, fine. If we don't, then
6 we don't need to be putting people through this.

7 The other thing I want to say is about
8 education. The language in the Senate bill is
9 misleading. And it -- it needs to be changed. You
10 can frighten people away from the polls. We know
11 this. We had a sit -- situation in Dallas County
12 where back in the '80s the sheriff up there got kind
13 of interested and he thought there was a lot of
14 voter fraud going on. So he made himself up a
15 placard and he put it in certain polling places.
16 And it -- everything on it was true. It said,
17 "Voter fraud will be prosecuted by the D.A.'s
18 office, investigated by my office," and all this
19 stuff. And he put it -- unfortunately for him, he
20 put it in the minority polling places. That's the
21 only place he put it. It had enormous impact.
22 People in that area went in and looked at that, and
23 they're not too sure -- people, many instances, not
24 absolutely sure they're in the right polling place.
25 They're not sure they didn't get -- maybe they



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1 didn't get their card this year. Well, they just
2 turned around and walked out. If you put it
3 outside, you'll scare them off. They'll never even
4 get in a polling place. You'll scare a major
5 percentage of people away from the polling place.

6 You want to tell those people the truth,
7 and that is they're going to be able to vote. Now,
8 the vote essentially may not count, but they're
9 going to be able to vote. We don't want to frighten
10 people from going to the polling places they're
11 qualified to vote.

12 REPRESENTATIVE HEFLIN: So you're
13 saying that the education process instead of a -- it
14 needs to be a process -- a voter enhancement process
15 where we encourage people if they have the right to
16 vote they should be voting, and that it will be
17 cured on the back end if they forgot their I.D. that
18 day?

19 RANDALL BUCK WOOD: You want to tell
20 them the truth. If you come to the polling place
21 and you're qualified to vote, you're going to get to
22 vote.

23 REPRESENTATIVE HEFLIN: (Inaudible).

24 RANDALL BUCK WOOD: Now, it may turn
25 out that they're not qualified. And I'm sure



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1 there's some people out there. I don't find them,
2 but I'm sure there's some out there. There's got to
3 be some. And it's just like Representative Anchia
4 said, we found two or three in 50 years. And -- but
5 most of the people that are turning up at the
6 polling places, I've had -- I've had people tell me,
7 oh, they know this -- this mother and father, and
8 he's not a citizen. And sure enough, he's
9 registered. He got caught in a voter registration
10 drive, and he's 75 years old. But I go look, he
11 didn't vote. It just -- it just don't do that.

12 I'm not saying it doesn't happen, but it
13 happens so seldom that I've never caught it.

14 CHAIRMAN SMITH: Representative
15 Bonnen, Chairman Bonnen.

16 REPRESENTATIVE BONNEN: I'm kind of
17 curious. You said the Senate language was flawed
18 and that it would frighten people from voting, but
19 my understanding of the Senate language is it's
20 simply to explain and show them what identifications
21 would be acceptable.

22 And I guess the question I would ask you
23 is if we were to change or remove that language,
24 would you then not raise election questions about
25 any voter who's said, "Well, I wasn't aware of what



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1 I needed to go vote"?

2 RANDALL BUCK WOOD: As I understand
3 what I'm proposing, those persons are going to be
4 allowed to vote. It may be a provisional special
5 ballot, but they're going to be allowed to vote.

6 To tell them that they're not going to be
7 able -- what that language does, it tells them if
8 you don't have this identification, you're not going
9 to be allowed to vote.

10 REPRESENTATIVE BONNEN: I think it
11 explains to them the process.

12 RANDALL BUCK WOOD: The --

13 REPRESENTATIVE BONNEN: And all I'm
14 asking is would you then not raise a challenge or a
15 contest for the voter who says, "I didn't know it.
16 I showed up and I cast a provisional ballot or no
17 ballot, because I didn't know I had to have an
18 electric bill with my address to be able to vote",
19 that we don't give them that information?

20 RANDALL BUCK WOOD: That person is
21 going to be allowed to vote. You're not -- you need
22 to tell them, "You're going to be allowed to vote."
23 That's the first thing you need to tell them.

24 REPRESENTATIVE BONNEN: And I think
25 that's what the Senate language would allow for them



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1 to be told.

2 RANDALL BUCK WOOD: Well, the
3 language that --

4 REPRESENTATIVE BONNEN: I mean, I
5 don't want --

6 RANDALL BUCK WOOD: -- the language
7 on the notice --

8 REPRESENTATIVE BONNEN: Uh-huh.

9 RANDALL BUCK WOOD: -- it doesn't say
10 anything like that. It tells you basically, "If you
11 don't have this kind of information, you're not
12 going to be allowed to vote." That's --

13 REPRESENTATIVE BONNEN: No, that's --
14 that -- no. It makes it clear to them what you just
15 said, that they're going to be able to have a
16 provisional vote.

17 RANDALL BUCK WOOD: It does that, but
18 when you read it --

19 REPRESENTATIVE BONNEN: Whoa, whoa.
20 It does that. Correct?

21 RANDALL BUCK WOOD: After it gets
22 done telling them about all this other information
23 that they have to have.

24 REPRESENTATIVE BONNEN: Well, all I'm
25 simply asking you is if that --



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1 RANDALL BUCK WOOD: No. I would not
2 be able to bring a lawsuit, because I -- I -- my
3 client would have been allowed to vote. So --

4 REPRESENTATIVE BONNEN: Well, your
5 client would be allowed to vote under the current
6 Senate language.

7 RANDALL BUCK WOOD: It would never
8 get counted and we would never know --

9 REPRESENTATIVE BONNEN: I think
10 you're talking in a circle. I mean, you just said
11 if the language were different they had be able to
12 provide a provisional ballot.

13 RANDALL BUCK WOOD: Special
14 provisional ballot.

15 REPRESENTATIVE BONNEN: Okay. Well,
16 the Senate language would be -- explain to them that
17 they would be allowed to provide a provisional
18 ballot. So it sounds like we're talking in a
19 circle.

20 RANDALL BUCK WOOD: The Senate
21 language, as I read it, the first impression that it
22 gives any voter is if I don't have this I'm not -- I
23 don't have this type of identification I'm not going
24 to be allowed to vote. You then get down to the end
25 of it --



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1 REPRESENTATIVE BONNEN: So the voter
2 would only read a small portion of the language is
3 your testimony?

4 RANDALL BUCK WOOD: I think that
5 language, if you -- if you set up a special
6 provisional ballot so these people would be able to
7 vote, you don't need that -- you don't need that
8 education.

9 REPRESENTATIVE BONNEN: So you're
10 saying -- okay. And I want to be clear about this.
11 So you're saying if we remove the language
12 which we do have provisional ballots, this bill
13 allows for provisional ballots, you wouldn't be
14 challenging anything because they weren't informed?

15 RANDALL BUCK WOOD: Right now, today,
16 if I go in -- forget Senate Bill 362.

17 REPRESENTATIVE BONNEN: But we are
18 talking about Senate Bill 362. That's the problem.

19 RANDALL BUCK WOOD: I understand.
20 But right now if I go in to vote I'm asked for my
21 driver's license, I'm asked for other information.
22 Sometimes I don't have my voter registration card,
23 but I'm allowed to vote. The only difference would
24 be that these people would vote a special
25 provisional ballot.



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1 REPRESENTATIVE BONNEN: Right.

2 RANDALL BUCK WOOD: So if -- if
3 you're going to allow them to vote, you don't want
4 to tell them that they --

5 REPRESENTATIVE BONNEN: We're going
6 to allow them to vote. And I just want to be
7 clear --

8 RANDALL BUCK WOOD: Your provisional
9 ballot --

10 REPRESENTATIVE BONNEN: -- language
11 is no problem for you in raising a contest?

12 RANDALL BUCK WOOD: No.

13 REPRESENTATIVE BONNEN: Okay. So you
14 wouldn't do that in those terms?

15 RANDALL BUCK WOOD: No. And --

16 REPRESENTATIVE BONNEN: Okay. Also,
17 (inaudible) said that by -- Representative Heflin
18 raised the question about the two-day, and we had
19 very good discussion yesterday about the two-day
20 return to correct a provisional in -- in seven day
21 [sic] or how we would do it. But you made the
22 comment that no one would ever be able to do that.
23 And we have no information on that. But the
24 gentleman from Georgia actually supplied us some
25 exceptionally good information. And it's as you



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1 defined. I mean, if we did it a certain way we
2 would have it remedied in one primary, one general.
3 Well, Georgia has had 16 elections under the voter
4 I.D. process. And in the general election -- I'm
5 not going to get my percentage right, but it was
6 .0003 or something were the number of provisional
7 ballots due to I.D. or lack of I.D. And it was
8 about 1100 - I'm rounding my numbers - about 1100.
9 And they actually had, I believe, from 250 to 290 or
10 so who did return within two days to show that
11 information.

12 RANDALL BUCK WOOD: Right. I
13 understand that.

14 REPRESENTATIVE BONNEN: Well, but you
15 said that would never happen.

16 RANDALL BUCK WOOD: Two day -- well,
17 two days is such a short period of time you're going
18 to disenfranchise a significant number of people.

19 REPRESENTATIVE BONNEN: Well, a
20 significant number -- and we have fact basis in --
21 in actual variety in the State of Georgia and their
22 reaction and their response.

23 Also, in the State of Georgia, they had
24 one of the highest turnouts in the history of the
25 state and one of the highest turnouts in the nation



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1 under the voter -- with the voter I.D. law in place.

2 And so I guess, you know, my concern is
3 that I want to address the issues. I want to
4 address the problems. And I wish -- you remember
5 the vote number there, Duane? What was the vote
6 number in Georgia? 3.5 -- 3.9? 3.9 million voters?
7 Yeah.

8 RANDALL BUCK WOOD: I understand.

9 REPRESENTATIVE BONNEN: And so we had
10 1100, which only take -- one's too many. I want to
11 be clear about that. But the thing that I would
12 encourage us to do here today is let's talk
13 rationally, let's talk on the facts and on the
14 points. And let's not talk with flowing and -- and
15 broad language, because to say no one is going to do
16 that, it -- it -- it doesn't get to the --

17 RANDALL BUCK WOOD: I would --

18 REPRESENTATIVE BONNEN: -- get to the
19 issue.

20 RANDALL BUCK WOOD: -- I would
21 respectfully suggest to you if that were doing --

22 CHAIRMAN SMITH: I'm sorry, but I
23 want to interrupt at this point in time.

24 REPRESENTATIVE BONNEN: (Inaudible).

25 CHAIRMAN SMITH: -- I'm sorry,



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1 members of the audience, but it becomes --

2 REPRESENTATIVE BONNEN: Don't do
3 that.

4 CHAIRMAN SMITH: -- troublesome --

5 REPRESENTATIVE BONNEN: Yeah.

6 CHAIRMAN SMITH: -- if we're having
7 the reaction of the audience every time someone
8 makes a remark one way or the other.

9 REPRESENTATIVE BONNEN: Right.

10 CHAIRMAN SMITH: So if you would,
11 please, out of respect for the witnesses or the
12 Members --

13 REPRESENTATIVE BONNEN: Right.

14 CHAIRMAN SMITH: -- well, whether the
15 rule is --

16 RANDALL BUCK WOOD: (Inaudible).

17 CHAIRMAN SMITH: -- the rule is, --
18 and the Members agreed to this in advance, was that
19 we were going to allow the witness to make a
20 3-minute opening comment and then, of course, allow
21 the members of the legislature on this panel to ask
22 whatever questions they want of the witnesses.
23 Obviously did encourage the Members on the panel to
24 use their discretion. And I think what we're doing
25 is we're fleshing out some of these issues with some



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USA_00021405

1 of these earlier witnesses. And everybody in the
2 audience receives the benefit of these questions.
3 And as we work our way through the testimony,
4 obviously, I don't anticipate that we'll have as
5 many questions as we do of some of the earlier
6 witnesses.

7 REPRESENTATIVE BONNEN: (Inaudible).

8 CHAIRMAN SMITH: With that, please
9 continue.

10 RANDALL BUCK WOOD: There's two --

11 REPRESENTATIVE BONNEN: He was saying
12 something. I want to let him finish his comment.

13 UNIDENTIFIED REPRESENTATIVE: Yeah.

14 RANDALL BUCK WOOD: There's two
15 things I would like to comment about on these other
16 statistics on these other states. One, if you
17 really worked on it -- and I'm not saying just the
18 government, but if the individuals -- I mentioned
19 The League of Women Voters. If they really worked
20 at it, I think Georgia would find they have not
21 1100, but maybe they have 25. If you cut it off --
22 if you cut it off, you're -- those -- some people
23 are just not going to go back and do that.

24 I'll make another point.

25 REPRESENTATIVE BONNEN: Wait a



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1 minute. Talk about that. I don't see how you get
2 to 2500 when we have the actual numbers.

3 RANDALL BUCK WOOD: No, no. I said
4 25, not 2500.

5 REPRESENTATIVE BONNEN: So you're
6 saying only 25 votes?

7 RANDALL BUCK WOOD: I'm saying -- I'm
8 saying I can't find these kind of people that this
9 voter identification is posed to -- I've never found
10 in all -- almost 40 years of practice --

11 REPRESENTATIVE BONNEN: Let me --

12 RANDALL BUCK WOOD: -- I'm not --

13 REPRESENTATIVE BONNEN: -- you're
14 (inaudible) the issue, though.

15 RANDALL BUCK WOOD: If you let these
16 people --

17 REPRESENTATIVE BONNEN: But you just
18 flipped the issue we were discussing. I wasn't
19 talking about the number of people who shouldn't
20 have voted or voted fraudulently. I was
21 discussing -- you earlier said no one would come
22 back, that all -- you know, numerous votes would be
23 tossed; you know, large numbers would be tossed. I
24 was referring to the fact basis of numbers on what
25 the percentages and what the numbers were in Georgia



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1 as to what does return and who is not being able to
2 vote due to an I.D. That's what I was referring to.
3 I wasn't referring to whether they were fraudulent
4 votes or not.

5 RANDALL BUCK WOOD: Okay. And I'm
6 saying that if you spend enough time --

7 UNIDENTIFIED REPRESENTATIVE:
8 (Inaudible).

9 RANDALL BUCK WOOD: -- we don't have
10 forever.

11 UNIDENTIFIED REPRESENTATIVE:
12 (Inaudible).

13 RANDALL BUCK WOOD: You -- I
14 believe -- because of my experience and on the
15 groundwork, I believe that you'll find that almost
16 none of those that were finally rejected really
17 should have been rejected.

18 REPRESENTATIVE BONNEN: You're
19 saying --

20 RANDALL BUCK WOOD: I don't think
21 there's really a problem, but I think we ought to
22 find out. Me saying it -- somebody says there is a
23 problem; I say there isn't a problem. It doesn't
24 get us anywhere. It doesn't get us anywhere.

25 Now, the other thing I want to mention



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1 because you -- you ballot it up, these statistical
2 comparisons --

3 REPRESENTATIVE BONNEN: I'm not
4 giving you comparisons. I'm just --

5 RANDALL BUCK WOOD: Okay. You
6 mentioned the fact that voter turnout actually was
7 higher than it was in the previous elections.
8 That -- considering --

9 REPRESENTATIVE BONNEN: Highest in
10 the country, quite frankly.

11 RANDALL BUCK WOOD: -- that that
12 is -- that is -- no statistician would ever rely on
13 anything like that, because elections -- every
14 election is different. You have different
15 candidates. I suggest to you that one election to
16 another cannot be compared. You don't know how many
17 people would have voted --

18 REPRESENTATIVE BONNEN: You didn't --

19 RANDALL BUCK WOOD: -- you don't know
20 that.

21 REPRESENTATIVE BONNEN: And that
22 comment was made by a gentleman yesterday, and I
23 think it was a great comment to make. And I asked
24 him, and I'll ask you. So, then, are we going to
25 agree that you then at the same -- if we accept that



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1 argument as to how you can't, as you just stated,
2 know how many would have voted had there not been
3 voter I.D. and that there is so many different
4 factors and you can't just look at just that
5 election and come up with that statistical
6 information, than just that, that there's so many
7 factors, that then you can't make the same argument
8 that is frequently made, the voter I.D. in turn has
9 suppressed or would suppress a vote? Because the
10 argument is -- the argument is there's numerous
11 factors.

12 So would you agree that we'll just --
13 we'll just concede that argument to each other?

14 RANDALL BUCK WOOD: Yes.

15 REPRESENTATIVE BONNEN: Fair enough.

16 RANDALL BUCK WOOD: I think
17 statistical analysis of turnout is meaningless. In
18 fact, the United States Supreme Court in the Indiana
19 case basically said that. They said, you know, this
20 is interesting, but it doesn't tell us anything.

21 REPRESENTATIVE BONNEN: I've done
22 this.

23 CHAIRMAN SMITH: Representative
24 (inaudible).

25 UNIDENTIFIED REPRESENTATIVE: Buck,



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1 how are you?

2 RANDALL BUCK WOOD: I'm doing fine.

3 UNIDENTIFIED REPRESENTATIVE: I want
4 to touch on two things. The one is the ballot by
5 mail, because I've served on this Committee for four
6 terms, and on one hand you have a group that says,
7 well, it's all in the ballot by mail. Then when we
8 try to do something in ballot by mail; we say, well,
9 there is no problem. You're in search of a problem
10 that doesn't exist. We don't get anything done on
11 ballot by mail.

12 RANDALL BUCK WOOD: Well, I'm not one
13 of those that tells you that.

14 UNIDENTIFIED REPRESENTATIVE: I know
15 it. But yesterday we heard testimony that ballot by
16 mail is not even an issue. And -- but -- but you
17 said something that was interesting a minute ago,
18 you said it's organized. And I want to explore what
19 you meant by the term it's organized.

20 When you were talking about ballot by mail
21 you paused for a moment and you said, "It's
22 organized", and you kind of took a step back.

23 Tell us what that means, it's organized.

24 RANDALL BUCK WOOD: Individuals in
25 many instances get paid by candidates -- this is



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1 almost always a local issue. Nobody does this to
2 affect a Governor's race or even a state Senator
3 race maybe, certainly no statewide races. It's
4 about local issues, local candidates. There's
5 people that get paid to do this. We -- we know
6 that. I've fleshed them out all over the State.
7 Some of them do it out of -- on -- as part of just
8 their politics, but many of them get paid. They
9 maintain contact with elderly people in nursing
10 homes, in their homes, and they maintain that
11 contact all the time. And if I'm running for county
12 judge - and I did one of these on a county judge
13 election contest - I go and hire these -- these
14 people that do this. And they go to the clerk's
15 office, and they find out when ballots are mailed
16 out to these elderly individuals. And they go to
17 their house. And many times they vote for them and
18 sometimes they just take the ballot. In many
19 instances, they tell them who to vote for. It's
20 totally unsupervised. It's not like a polling place
21 where you've got an election judge standing there.
22 It's totally unsupervised. It happens. In nursing
23 homes -- I've seen entire nursing homes canvassed by
24 these people. And when I say it's organized, it is.
25 And I'm talking about, you can -- you can -- a



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1 thousand votes is nothing in what these people can
2 do.

3 They should be prosecuted. It's hard to
4 do, but it should be done. But, you know -- I'm not
5 going to tell you which county, but I found a county
6 in east Texas where a nursing home -- you know, they
7 had the highest voter registration than any group in
8 the country. Everyone in the nursing home --
9 nursing home was voting. And it was -- people
10 didn't even know -- they didn't know what was going
11 on. It was pathetic.

12 But some candidates will go to that
13 length, because they think it's going to be a close
14 race. They'll do it.

15 UNIDENTIFIED REPRESENTATIVE: Buck,
16 that's -- you know, that's referred to -- we've
17 referred it -- referred to it as vote harvesting,
18 where you actually go out and sell a vote, you help
19 people with the application, you help people vote
20 the ballot, you get paid by -- by vote -- by
21 candidates.

22 RANDALL BUCK WOOD: Yes.

23 UNIDENTIFIED REPRESENTATIVE: And I
24 agree that that is a big source of voter fraud. But
25 what we've found out from the testimony yesterday is



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1 that D.A.s don't prosecute it. You know why?
2 Because if they're Republican, they get blasted by
3 the Democrats, and if they're a Democrat, they get
4 blasted by the Republicans. So the reason we
5 can't -- we can't -- at least according to the
6 testimony we heard yesterday, one of the reasons we
7 can't prosecute this voter fraud is because it's so
8 politically sensitive. These district attorneys get
9 blasted from both sides.

10 RANDALL BUCK WOOD: That's true.

11 UNIDENTIFIED REPRESENTATIVE: And so
12 what voter I.D. is seeking to do is kind of separate
13 the issue. Yes, we have an issue with mail --
14 ballot by mail, I agree.

15 On the voter -- on the photo I.D., we --
16 you could argue almost to some degree that we're
17 trying to make it easier, because I cannot keep up
18 with that voter registration card. And I bet if I
19 asked for a show of hands, it is very, very
20 difficult to keep up with that card.

21 What we're saying with this Senator bill
22 is that you don't even need the card. Just go and
23 present your official form of I.D.- I think there's
24 about five or more - and you're going to vote. No
25 keeping one card. No -- no figure out where you put



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1 it or finding it on election day. You merely go and
2 present that card.

3 Now, if we could help people -- this
4 percentage of people who don't have access to a
5 card, what if we could help them through mobile
6 evidents or through -- through free cards? What if
7 we could help identify people who may be at risk for
8 not having this photo I.D.? If we could help them
9 get that, would that allay your fears about this
10 particular requirement?

11 RANDALL BUCK WOOD: What I'm
12 concerned about -- and I'm not speaking to you. I'm
13 speaking to -- about registrars, election officials
14 in county by county. The Senate bill actually
15 provides some money for these people to get out
16 there and tell people about this.

17 The way that language is going to be used
18 is critical. And it will -- if it's not
19 extremely -- it's not -- shall be very, very
20 carefully drafted, it will scare people away from
21 the polls. I mean, it just does.

22 I don't have a driver's license. Well,
23 telling me that somehow or the other -- you know,
24 I -- I hear this probably -- I find out about
25 this -- I hear on the radio, maybe I get an



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1 incomplete version of it, and I think, well, I don't
2 have a driver's license; I can't vote. It's not
3 true. You are going to be allowed to vote. We need
4 to make certain that they understand if they go to
5 the polling place they're going to be allowed to
6 vote.

7 And you can talk about how to get more
8 identification and so forth. But don't scare the
9 voter away from the polling place with a sign out in
10 front of it that says, "Here's what you've got to
11 have".

12 Now, down here at the bottom you may say
13 you may vote a provisional ballot, but right now
14 that's pretty meaningless. We need to make it
15 meaningful in such a way that if they do vote, it
16 gets counted if we can supply that information. And
17 I don't know what Georgia does about how long third
18 parties -- to contact people if they make that
19 information to them so that third parties have --
20 contact those individuals and say, "Do you have an
21 electric bill," do you have this or do you have
22 that.

23 We don't -- we don't have that ability
24 right now, because we don't know who's being turned
25 away because of identification and will not under



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1 the Senate bill the way it's written.

2 UNIDENTIFIED REPRESENTATIVE: Well,
3 and -- and I want to leave you with one comment. We
4 also heard testimony from one of the folks yesterday
5 that the former mayor of Georgia, Andrew Young of
6 Atlanta, said upon reflection that perhaps this is
7 not necessarily a bad idea, because as we help
8 people get photo I.D.s we help them enter the
9 mainstream, and we help them become more prosperous,
10 and we help them grow as individuals. So -- so
11 maybe there -- maybe there is room in this bill
12 where -- with -- where we help everyone, addressing
13 your concern about people who maybe have access
14 issues about getting a photo I.D., but at the same
15 time understanding that as we help people get a
16 photo I.D. we actually help them proactively become
17 more successful in -- in our society. And I
18 think --

19 RANDALL BUCK WOOD: I have no
20 objection whatsoever over a period of time trying to
21 make sure that people have photo I.D.s.

22 What I am most concerned about is in
23 the -- in the meantime -- let's take the next
24 election, 2010 or the Presidential elections in
25 2012. We are not going to have those people --



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1 everybody have a photo I.D. during that period of
2 time. It's just too quick.

3 I have no objection to encouraging people
4 to get a photo I.D. In fact, if the Feds have their
5 way about it, by 2016 everybody that's got a Social
6 Security is going to have a photo I.D.

7 UNIDENTIFIED REPRESENTATIVE: I think
8 everyone on this Committee is really sensitive about
9 the photo I.D and helping people get it and giving
10 access issues. And we've kicked around some ideas
11 about maybe allowing for two-year implementation
12 where you have two full years to help people get an
13 I.D. It's just one of the concepts; not necessarily
14 that it would be adopted, but I just want to let you
15 know the Committee is sensitive. Everyone on this
16 Committee is trying to figure out a way -- you know,
17 a solution that everyone can live with. And I want
18 to thank you for your testimony.

19 RANDALL BUCK WOOD: Okay. Unless
20 somebody has --

21 CHAIRMAN SMITH: Representative
22 Brown?

23 REPRESENTATIVE BROWN: Hi, Mr. Wood.
24 Could we back up to the beginning of your
25 testimony?



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1 Are you for this bill?

2 RANDALL BUCK WOOD: I wouldn't -- I
3 would support --

4 REPRESENTATIVE BROWN: You've
5 testified long --

6 RANDALL BUCK WOOD: -- as I have
7 proposed, I would support a bill. The bill as it is
8 right now, no, I do not support it as it's written
9 right now.

10 REPRESENTATIVE BROWN: Okay.

11 RANDALL BUCK WOOD: I think it can be
12 amended --

13 REPRESENTATIVE BROWN: The sheet you
14 filled out, did you say for or against?

15 RANDALL BUCK WOOD: Against.

16 REPRESENTATIVE BROWN: Against.

17 RANDALL BUCK WOOD: On 362 as it's
18 written now, against.

19 REPRESENTATIVE BROWN: Okay. Well,
20 that makes more sense to me from what you've said.

21 As I understand your testimony, you've
22 said, "I don't believe there's any voter fraud; I
23 don't believe there's any fraud in registration."

24 UNIDENTIFIED REPRESENTATIVE: No.

25 RANDALL BUCK WOOD: I didn't say



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1 that.

2 REPRESENTATIVE BROWN: Now, wait a
3 minute. You refuted everything that was presented
4 about the -- the fraud in voting or in registration,
5 saying that it was done accidentally or
6 inadvertently somebody did something, not
7 intentional and so on.

8 RANDALL BUCK WOOD: Well, we're
9 talking about -- I think --

10 REPRESENTATIVE BROWN: That's been
11 your test -- testimony so far.

12 RANDALL BUCK WOOD: I disagree with
13 that. That's not what I said.

14 I said that there are people who go to the
15 polls who believe they're entitled to vote that
16 particular precinct in a particular county, and
17 they're not really entitled to. They are really not
18 residents of that area or that precinct.

19 REPRESENTATIVE BROWN: Uh-huh. Okay.

20 RANDALL BUCK WOOD: But they
21 generally don't do that for fraudulent purposes.
22 They actually believe and they sign the affidavit --
23 they believe that they're entitled to vote in that
24 precinct.

25 When I said -- was asked if there's fraud,



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1 I said yes, there's fraud. I don't consider it to
2 be fraud for someone to mistakenly go into the wrong
3 precinct.

4 REPRESENTATIVE BROWN: And I don't
5 really consider that fraud, either.

6 So you're saying there's no intentional
7 fraud in --

8 RANDALL BUCK WOOD: In most of these
9 instances, no.

10 REPRESENTATIVE BROWN: How is that
11 different from what I just present -- well, never
12 mind.

13 Anyway --

14 UNIDENTIFIED REPRESENTATIVE:
15 Possibly clarify. I think -- are you talking about
16 in person fraud versus -- you earlier, I think, made
17 it perfectly clear that you believe there's
18 organized fraud with regard to absentee ballots.

19 RANDALL BUCK WOOD: Yes. I'm talking
20 about people that walk into the polling place and
21 want to vote.

22 REPRESENTATIVE BROWN: Uh-huh.

23 RANDALL BUCK WOOD: I seldom -- I --
24 I just -- I don't find any fraud there. I mean,
25 it's -- I've never seen anybody impersonate anyone



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1 else. I read in an article that a deceased -- you
2 see this, a daughter voted for her mother who was
3 deceased. And I have no doubt that something like
4 that occurs now and again. I just simply, after
5 hundreds of -- I've never found out that it was
6 true. And -- and I agree that there's one out
7 there.

8 But people present themselves at a polling
9 place and they want to vote, and they really believe
10 they're entitled to vote there.

11 REPRESENTATIVE BROWN: Are you aware
12 that we heard this gentleman quoted over and over
13 yesterday in our -- in our hearings that works for
14 the D.A. in Harris County, and he -- and he said
15 that it was virtually impossible to prosecute
16 without a confession in voter fraud? The person
17 comes in, votes and leaves and disappears, and it's
18 virtually impossible to prosecute. So we had
19 example after example of how hard it is to track
20 voter fraud down. I mean, it's just almost
21 impossible. And then you add to that the reluctance
22 of D.A.s to -- you know, to not -- to take their
23 time and efforts away from prosecuting murder,
24 rape -- you know, all the violent crimes. And so
25 it's easier to understand.



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1 But one question for you. Don't you think
2 it's a little naive of us -- well, just think about
3 the last election and all the -- the revelations
4 there were about what ACORN was doing with going --
5 registering so many people that were not eligible to
6 vote. Don't you think that it's a little naive of
7 us to think that all of this fraud is going in
8 registration and yet these people are not reaching
9 the polls? I -- I -- do you think --

10 RANDALL BUCK WOOD: That's been my
11 experience. It's been my experience that they don't
12 go vote. And I think it was the experience -- they
13 do not go vote.

14 Voter registration drive, when you pay
15 people by the -- as ACORN was doing, when you pay
16 them by their name, you're just inviting people to
17 put a bunch of people on the rolls that -- that
18 either -- maybe they were eligible, but they really
19 didn't register. And I have not -- I've found
20 people on voter registration rolls that were clearly
21 ineligible to vote.

22 I have never found one that went and
23 voted. I'm saying that someone might lead them to
24 believe that they're eligible to vote and they may
25 go vote. But people who know they're ineligible,



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1 they just don't vote. They -- you know, you're --
2 you -- you're talking about something that I've been
3 doing almost 40 years.

4 CHAIRMAN SMITH: Okay. Members of
5 the audience --

6 REPRESENTATIVE BROWN: Thank you.

7 CHAIRMAN SMITH: -- I think this
8 could go on all night long. I just want to make it
9 perfectly clear, I don't -- didn't mind -- you can
10 make whatever grimace with your face you wish to
11 make. Make whatever facial expression you wish to
12 make in reaction to the testimony, but please do not
13 make any noise in response to the testimony. I
14 think it's rude and it's offensive. And -- and we
15 need to be respectful of -- of --

16 UNIDENTIFIED REPRESENTATIVE:

17 (Inaudible).

18 CHAIRMAN SMITH: -- every witness,
19 whatever their opinion is, treat everybody the same,
20 give them the opportunity to speak, regardless of
21 whether they represent the majority of views in the
22 audience.

23 Representative -- Vice Chairman Pena.

24 VICE CHAIR PENA: Good afternoon,
25 Mr. Wood.



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1 RANDALL BUCK WOOD: Yes.

2 VICE CHAIR PENA: How are you?

3 I've seen your name around the courthouse.

4 I've heard your name around the courthouse in south
5 Texas. You've tried cases in the Valley.

6 RANDALL BUCK WOOD: Yeah. I've tried
7 cases -- I never tried one in Del Rio, but I've
8 tried them in every border county from Cameron to
9 Laredo.

10 VICE CHAIR PENA: And typically these
11 are losing candidates who hire you trying to look
12 for some sort of voter fraud, some way to overturn
13 the election. Is that correct?

14 RANDALL BUCK WOOD: I sometimes get
15 hired on the winning side, but most of mine actually
16 comes from the losing side, that's correct.

17 VICE CHAIR PENA: But nevertheless,
18 there's some sort of incentive for you to find fraud
19 if it's there or if it's not?

20 RANDALL BUCK WOOD: Certainly,
21 because in -- in many of these elections there are
22 ten or 15-vote difference.

23 VICE CHAIR PENA: Right.

24 RANDALL BUCK WOOD: So we look. And
25 amazingly enough -- I think you know this, and it's



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1 true. I grew up over in east Texas. People know
2 people.

3 VICE CHAIR PENA: Right.

4 RANDALL BUCK WOOD: And every --
5 you've got somebody in everybody's camp in each of
6 little community, each little segment of the
7 community who's supporting your candidate. And they
8 know whether these people are eligible to vote or
9 not and have questions about it. And I get a lot of
10 leads.

11 VICE CHAIR PENA: Right.

12 RANDALL BUCK WOOD: And I investigate
13 them. I'm telling you I don't find any.

14 VICE CHAIR PENA: And the description
15 of -- you made of the mail-in ballot problem, that's
16 real, is it not?

17 RANDALL BUCK WOOD: It is.

18 VICE CHAIR PENA: Okay.

19 RANDALL BUCK WOOD: I think it's
20 better now than it was seven or eight years ago.

21 VICE CHAIR PENA: Right. After
22 Woolens (phonetic)) I noticed that it decreased --
23 mail-in ballots, at least in my county, decreased.
24 And I take that as a response to the -- to the bill
25 that Representative Woolens passed. Is that your --



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1 RANDALL BUCK WOOD: It helped.

2 VICE CHAIR PENA: It did help.

3 But that -- that is offensive. And many
4 of the people here are from my community, and I'm
5 sure we're going to hear things about that. But --
6 but in the Valley with all of the allegations of
7 corruption and voter -- voter fraud, have you ever
8 found a voter impersonation product?

9 RANDALL BUCK WOOD: No. And I have
10 had people come and tell me, "I want to look at all
11 these signatures on this list. It looks like one
12 person signed all these names."

13 Well, of course, if I've got a ten-vote
14 election and there's 20 signatures out there that
15 look strange, we're going to talk to all 20 of these
16 people. And we do. And I have never found an
17 impersonation.

18 VICE CHAIR PENA: And I'm sure in --
19 living in my community where there are Mexicans
20 living with -- Mexican Americans living with Anglo
21 Americans there's always allegations that Mexicans
22 are voting. Do you hear that?

23 RANDALL BUCK WOOD: Mexicans are
24 voting? Mexican citizens?

25 VICE CHAIR PENA: Mexican citizens.



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1 RANDALL BUCK WOOD: I've never found
2 one. I'm not saying that it doesn't happen. I'm
3 just saying I've never found one.

4 VICE CHAIR PENA: You've never found
5 one.

6 RANDALL BUCK WOOD: And I can assure
7 you in many election contest -- I've tried them in
8 Cameron County, I've tried them in Hidalgo County,
9 Starr -- you just go right up the border. Even in
10 (inaudible) Brooks, Crystal -- Zavala, Zapata. I
11 have never found anyone impersonating anyone, and
12 I've never found a non-citizen that actually voted.

13 VICE CHAIR PENA: Okay.

14 RANDALL BUCK WOOD: I've found
15 them -- they were registered. But I've not found
16 those people that were voting.

17 VICE CHAIR PENA: So although you
18 recognize, as I do, that the reality that there is
19 dirty politics or voter fraud on occasion, when it
20 comes to voter impersonation, you've not seen that
21 as (inaudible)?

22 RANDALL BUCK WOOD: And it's
23 something that -- that I've looked for. And I
24 didn't even realize that this impersonation issue
25 until recently was a big issue, because it -- it's



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1 just -- it's just -- it just doesn't happen.

2 VICE CHAIR PENA: Okay. And --

3 RANDALL BUCK WOOD: I realize that
4 somebody like that woman that went in and voted for
5 her mother, I'm sure that happens here and there.
6 But you're probably talking about a handful
7 statewide.

8 VICE CHAIR PENA: Okay. And, again,
9 with regards to Senate Bill 362, do you see anything
10 addressing voter impersonation?

11 RANDALL BUCK WOOD: Well, I
12 understand that it's supposed to do something about
13 it, but I -- I think the way it goes about it is
14 wrong.

15 VICE CHAIR PENA: And how is that?

16 RANDALL BUCK WOOD: Because the
17 educational effort in order to try to get people to
18 have cards -- and I agree with Representative Bohac,
19 I think it's a good idea if everybody had a card. I
20 kind of like the idea of having to have papers like
21 they do in Europe. You know, they've got to carry
22 around a card. But -- for voting and other
23 purposes, it's helpful. And I would like to see
24 everybody that has a Social to have a card.

25 I'm concerned, very concerned, that the



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1 way Senate Bill 362 is presently written, in its
2 educational efforts, the education is actually going
3 to leave people with the impression that if they
4 don't have this identification they're not going to
5 be allowed to vote. And that's -- that is -- that's
6 much more damaging.

7 Let's get them into the polling place,
8 find out who they are, and find out if they are, in
9 fact, voting and they're not -- they're not legal or
10 they -- maybe there's an impersonation out there
11 every once in a while.

12 VICE CHAIR PENA: Okay.

13 RANDALL BUCK WOOD: Let's get them in
14 the polling place, let them vote, count their vote
15 if they're legal.

16 VICE CHAIR PENA: I think I misspoke
17 in my question.

18 What I meant was with regards to the
19 mail-in ballot problem and all the other dirty
20 politics that you see, does Senate Bill 362 address
21 that?

22 RANDALL BUCK WOOD: No, it does not.

23 VICE CHAIR PENA: Thank you very
24 much.

25 CHAIRMAN SMITH: It may be a relief



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1 to the audience to -- to be told that the Members
2 are far less inquisitive once the cameras leave.

3 Representative Heflin.

4 REPRESENTATIVE HEFLIN: Just to clear
5 a couple of points. Let me say the point I was
6 trying to make on the provisional ballots is if we
7 go five days as opposed to two, you nearly double
8 the amount of people that clear up their -- their --
9 their ballots or count. So that was a question I
10 had.

11 Now, you say that -- why -- why is voter
12 fraud more prevalent in mail-in ballots? Is it
13 because it's easier to do?

14 RANDALL BUCK WOOD: It's
15 unsupervised.

16 REPRESENTATIVE HEFLIN: And what --
17 and what --

18 RANDALL BUCK WOOD: And it allows
19 people to --

20 REPRESENTATIVE HEFLIN: Impersonate
21 50 people to be effective.

22 RANDALL BUCK WOOD: They don't
23 impersonate people. These people actually exist.
24 They go and actually -- I remember one time in
25 Beeville -- I had a contest in Bee County. And I



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1 had where the ballots -- they were following the
2 mailman around. And when he would go to the
3 mailbox, they would go take the ballot out of the
4 mailbox and vote.

5 REPRESENTATIVE HEFLIN: Let me -- let
6 me ask you this last question then. In Texas was
7 there an organized effort by ACORN to operate here
8 in Texas, or was that strictly in other states?

9 RANDALL BUCK WOOD: It certainly
10 wasn't in Texas.

11 REPRESENTATIVE HEFLIN: It wasn't?

12 RANDALL BUCK WOOD: Yeah. And we --
13 not to ever have voter registration being done on a
14 piecemeal basis.

15 In other words, paying by the name, I
16 don't care whether it's ACORN or who it is, it
17 done -- you'll get -- you'll get fraud in there.

18 REPRESENTATIVE HEFLIN: Thank you
19 very much.

20 RANDALL BUCK WOOD: Okay.

21 REPRESENTATIVE HEFLIN: We appreciate
22 your testimony.

23 CHAIRMAN SMITH: Representative
24 Bohac?

25 REPRESENTATIVE BOHAC: I want to come



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1 back to just a couple of things.

2 I have heard oftentimes that there would
3 be in the poll book where you would have one person
4 and you would see kind of a repeating signature.
5 Now, you've prosecuted or defended, or whichever
6 side of the aisle, a number of these lawsuits. Have
7 you ever seen a poll book which appeared to be a
8 person who signed -- there was one person who signed
9 multiple times as if they were different people?

10 RANDALL BUCK WOOD: Yes, I have seen
11 that.

12 REPRESENTATIVE BOHAC: That's voter
13 impersonation.

14 RANDALL BUCK WOOD: No, it isn't.
15 The person actually went and voted. I went and took
16 that poll list and it looked -- the problem to me is
17 that probably somebody signed in a number of people.

18 So I went to those people. And it turns
19 out -- you know what it was? Somebody thought they
20 were being helpful in the polling place and one of
21 the election officials wrote those names or those
22 signatures in. I -- I've never seen it done
23 otherwise.

24 REPRESENTATIVE BOHAC: (Inaudible).

25 RANDALL BUCK WOOD: I -- I -- listen,



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1 that's one of the things -- you show me a poll
2 that's like that, I get really excited. But I know
3 if I call that person in and put them on the stand,
4 I've got to go do some investigation or have
5 somebody go do investigation. And when you go out
6 and check it, I've never found it.

7 REPRESENTATIVE BOHAC: So it's your
8 testimony that the voting clerk was being helpful to
9 the person by signing their name in the poll book?

10 RANDALL BUCK WOOD: In that
11 particular instance, that's exactly what they were
12 doing.

13 I don't know -- we don't have -- one of
14 the things -- this is -- I know this is not you
15 all's issue. But we're having fewer and fewer
16 people that are willing to work in polling places.
17 It used to be that you were having the same people
18 working every time. I used to be election judge. I
19 haven't done it in a number of years. Especially in
20 urban areas you can't find anybody to do it. We've
21 got people that are going to be telling people
22 things that have never worked in a polling place
23 before. And that person that did that, I don't know
24 why they did it. I didn't try to get them
25 prosecuted, but they shouldn't have been doing it.



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1 But they did it. But when we went and interviewed
2 those people, they were absolutely convincing. They
3 would have convinced a jury, judge or anybody else,
4 I went down and I voted and this is my mother; she
5 went with me.

6 I mean, it just -- we have uneducated
7 people in our polling places to -- in lots and lots
8 of places.

9 REPRESENTATIVE BOHAC: Well, I'll
10 accept your explanation.

11 I'm going to pivot for just a moment on
12 the education front. You saw how quickly the
13 Chairman laid out the bill. He said on one hand you
14 can show a photo I.D. On the other hand, if you
15 don't have this, you have to show two forms of
16 non-photo I.D. And you're saying that that --
17 educating the public about those requirements would
18 be almost insurmountable?

19 RANDALL BUCK WOOD: No. I think if
20 you start out with your voter education and you
21 don't let people tell people that they've got to
22 have that, I mean, that is a real problem. I know
23 what's going to happen. There is going to be
24 television heads in major markets that says you've
25 got to be able to have this information in order to



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1 be able to vote. There -- it's going to be there.
2 And we're going to have a registrar, believe me,
3 that are going to get -- put information out like
4 that.

5 We -- we need to circumscribe that as best
6 we can so that the person knows if they go to the
7 polling place they're going to be able to vote.
8 Now, if they're not qualified, their vote's not
9 going to count. But they're going to be able to
10 vote.

11 And by the way, I know that it was
12 mentioned about the fact -- fact about carrying a
13 voter registration card around with them. I carry
14 mine 100 percent of the time. Most people don't.
15 Well, they also don't carry electric bills; they
16 don't carry hardly any of that information that's
17 there. They just don't have it. If they don't have
18 a driver's license, generally they have maybe a
19 Social Security card or something, but they don't
20 have the information. I want it clear if those
21 persons are really qualified to vote, they get to
22 vote. And if they get to vote, they get -- their
23 vote is counted.

24 UNIDENTIFIED REPRESENTATIVE:

25 (Inaudible).



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UNIDENTIFIED REPRESENTATIVE: I want to -- I'm not going to ask you anymore questions, Buck. But you are really an important witness. We rarely get someone like you who knows the inside of the watch like you know it. And you know the solution to the ballot-by-mail problem, because you've seen it and you've lived it for decades.

What's the one, two and three things this Committee needs to do? And please be specific. You know the answer to the question, Buck. What do we need to do to correct the ballot-by-mail fraud?

RANDALL BUCK WOOD: The only way I know how to correct it is to go back to our system of having to have a -- a legitimate excuse and not just anybody over the age of 65 being able to vote by mail, because that's where the problem is. And we used to not have this problem.

Now, that puts a burden on those -- however many people in order to get a note from their doctor or something of that nature, but that's the only way I know how to do it.

REPRESENTATIVE BOHAC: That's the first solution.

What's the second solution? I don't think we're going to do that.



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1 RANDALL BUCK WOOD: No, I don't think
2 so, either.

3 REPRESENTATIVE BOHAC: I don't think
4 we want to do that. I think there's other solutions
5 that you know of, that you're aware of. What can we
6 do to get rid of this vote buying and this vote
7 harvesting?

8 RANDALL BUCK WOOD: Short of that, I
9 don't know anything, because you're going to mail a
10 ballot out.

11 One of the things you could do -- now, I'm
12 not suggesting that this be done. You could not
13 publish the -- a list of the people who have been --
14 mail ballots have been mailed to, because they go
15 down to the clerk's offices, and they know every day
16 how many ballots have been mailed out and to whom.
17 And then they follow them up.

18 I'm not -- I don't know that it would stop
19 it, but right now it's a very useful tool for them
20 to be able to get that information immediately.
21 They get it on a daily basis, how many people --
22 now, (inaudible) have -- candidates have a
23 legitimate reason for wanting to know that, because
24 they want to write these people and say, "I want
25 your vote."



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1 UNIDENTIFIED REPRESENTATIVE: I --
2 I -- I think -- I think we corrected that. The
3 information on who -- who -- we used to allow people
4 to get a list of people -- people who submitted an
5 application to vote by mail. We now only allow it
6 48 hours after the ballot's already been turned to
7 the Voter Registrar's office. So -- so that gap is
8 gone.

9 RANDALL BUCK WOOD: I'm afraid
10 it's -- that's not being uniformly enforced.

11 REPRESENTATIVE BOHAC: It's the law.

12 RANDALL BUCK WOOD: I -- I know that.
13 I understand that. But I'm telling you that they
14 have somebody in the clerk's office who tells
15 somebody who they -- they know. I -- I just --

16 REPRESENTATIVE BOHAC: Thank you for
17 your testimony. I don't have any more questions.
18 Thank you.

19 RANDALL BUCK WOOD: You're welcome.

20 CHAIRMAN SMITH: All right.
21 Mr. Wood, in closing and in summary, I think the
22 primary point that you brought before this Committee
23 was your desire to see that to the extent that we
24 have a changed or altered identification requirement
25 and, therefore, have a provisional ballot, that we



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1 structure those ballots in such a way that those
2 people who are within a reasonable period of time
3 following that, clearly identified as being a legal
4 voter, have their votes counted.

5 Is that your primary concern?

6 RANDALL BUCK WOOD: And that
7 information needs to be made available to everyone
8 immediately so that they can be helped.

9 CHAIRMAN SMITH: Okay. That's
10 what -- and so, in turn, I'm asking you to say --
11 you believe Florida is the best way to do it, but
12 certainly between Indiana and Georgia and Florida, I
13 don't -- I assume your preferred choice would be
14 Florida in terms of how they handle provisional
15 ballots. Is that correct?

16 RANDALL BUCK WOOD: They handle it --
17 they handle it more like what I'm suggesting. But
18 one of the things that they -- I don't think they do
19 is they don't keep statistics on which ballots are
20 which. And that doesn't do you any good, because
21 you never know how many people were turned -- were
22 voting provisionally for one reason or voting
23 provisionally for another reason.

24 CHAIRMAN SMITH: Yeah. Well, we did
25 get testimony yesterday from a person, so I do



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1 believe there is some -- I don't -- I don't know
2 that we got into how they distinguished it, but he
3 was able to tell us the number of ballots statewide
4 that were cast on a provisional basis, the total
5 amount that were cast --

6 VICE CHAIR PENA: Mr. Chairman, that
7 was State of Georgia.

8 CHAIRMAN SMITH: Georgia and Florida.

9 VICE CHAIR PENA: And the gentleman
10 from Florida said there was 14,000 or 15,000
11 provisional ballots, and 1100 of them were
12 provisionally cast due to not having an I.D.

13 RANDALL BUCK WOOD: Then they have --
14 then they have something similar to what we need --

15 VICE CHAIR PENA: What?

16 RANDALL BUCK WOOD: -- and what that
17 is so we can identify those --

18 VICE CHAIR PENA: (Inaudible).

19 CHAIRMAN SMITH: I just wanted it to
20 be clear for the record.

21 RANDALL BUCK WOOD: Okay. I was not
22 aware that they -- that they had that ability.
23 It -- it --

24 UNIDENTIFIED REPRESENTATIVE:
25 Mr. Chairman --



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1 CHAIRMAN SMITH: In Florida, there
2 were 8.3 million votes cast, and 394 were not
3 counted because of the photo I.D. requirement
4 statewide. That's what he found. And -- and -- and
5 so -- but what I -- I think I hear you saying is
6 what you would like is to even go beyond the Florida
7 law and sort of provide this information to
8 interested parties publicly so that they would have
9 the opportunity to actually assist the person in
10 providing the appropriate identification wherever it
11 would need to be provided to comply with the law?

12 RANDALL BUCK WOOD: And I just --
13 this -- you're -- yes. Yes. The answer to that
14 question is yes.

15 I just touched on the fact --

16 CHAIRMAN SMITH: (Inaudible).

17 RANDALL BUCK WOOD: -- that no matter
18 what we tell the election official to do at the
19 polling place, it doesn't get done. People don't
20 know. They really don't. And some of them can't
21 hear. And so they need to have -- there needs to be
22 a way that we try to help those people, because the
23 people we're talking about - and we all know
24 this - we're talking about elderly, infirmed,
25 uneducated or not much education. So those



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1 socioeconomic minorities, that's what we're talking
2 about, people who don't even own a car. So we
3 don't -- this I.D. -- that I'm going to tell you at
4 the polling place that you need to go do this within
5 a certain numbers of days, they don't -- it's lucky
6 they even got to the polling place. So --

7 CHAIRMAN SMITH: Tell me, do -- do
8 we -- I mean, do we create problems if we post on
9 the courthouse steps on election day the names of
10 the people in the county who cast a ballot because
11 they did not provide identification, from a privacy
12 standpoint? From a standpoint of having people go
13 to their house and aggressively and in ways that
14 nobody would wish on these people attempt to assist
15 them with making sure that their vote counted?

16 RANDALL BUCK WOOD: I -- I can't
17 imagine a person who bothered to go to the polling
18 place to vote not wanting their vote to count. And,
19 yes, I am sure there will be instances where they
20 will say, "I -- I don't care anymore. I don't want
21 anybody talking to me anymore." I think that's a --
22 a minor concern.

23 CHAIRMAN SMITH: So you don't -- you
24 don't see there being a privacy concern or any
25 question at all?



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1 RANDALL BUCK WOOD: When it comes to
2 voting, you sign your name and you go in there to
3 vote, that's public information.

4 Now, one thing that's not happening,
5 though, is voter officials in local counties are not
6 making that information available. They're supposed
7 to, but they don't make it available. I want it put
8 in the bill that the day after the election that you
9 can get that information so that whatever number of
10 days you set, something can be legitimately done.

11 CHAIRMAN SMITH: I thank you. I
12 think all of the members of the Committee find your
13 testimony to be interesting and knowledgeable and
14 provided with a great deal of integrity. So we
15 appreciate it.

16 REPRESENTATIVE VEASEY: One question.

17 CHAIRMAN SMITH: Yes, sir,
18 Representative Veasey.

19 REPRESENTATIVE VEASEY:
20 Representative Veasey from Fort Worth. Wanted to
21 ask you just one question related to voter
22 impersonation in the polls.

23 Based on your experience in investigating,
24 you know, different voting improprieties
25 particularly as it relates to third parties



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1 registering people to vote, do you think that if
2 someone were to commit voter impersonation that they
3 would do so with a fictitious name that is widely
4 known to others?

5 I know like in the ACORN case, for
6 instance, you heard examples of football players
7 and -- and, you know, people writing in Mickey Mouse
8 and things like that.

9 Do you think that voter impersonation
10 would occur if a third-party group were to sign
11 people up under the names of Mickey Mouse and Troy
12 Aikman? Because I don't think I could commit voter
13 impersonation under the name Troy Aikman. Maybe
14 Todd could, but I don't think I can. So...

15 RANDALL BUCK WOOD: I don't -- I
16 don't see that as a problem. The ACORN issue was a
17 problem because they put a lot of people on the
18 rolls that -- that were not registered.

19 REPRESENTATIVE VEASEY: Right.

20 RANDALL BUCK WOOD: Okay? I --
21 I'm -- I'm no expert on what actually happened, but
22 I doubt seriously that many of these people -- they
23 didn't even know they were registered. And they
24 used names -- they just made up names in order to
25 get paid --



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1 REPRESENTATIVE VEASEY: And that's
2 the problem with people --

3 RANDALL BUCK WOOD: -- it's just --

4 REPRESENTATIVE VEASEY: --
5 (inaudible) registration basis.

6 RANDALL BUCK WOOD: (Inaudible) I've
7 seen voter registration drives pick up a few people
8 who were not eligible to vote. But when I then
9 tried to see if they voted, they didn't vote.

10 CHAIRMAN SMITH: Thank you, Mr. Wood.
11 Appreciate you very much.

12 At this time the Chair calls Robin
13 Armstrong to testify in favor of Senate Bill 362.

14 Please state your name.

15 ROBIN ARMSTRONG: I'm Dr. Robin
16 Armstrong. And I'm testifying in favor of Senate
17 Bill 362, requiring a voter to present proof of
18 identification before voting.

19 Thank you, Committee, for allowing me to
20 testify today. I appreciate that.

21 First question I ask is why is it
22 important to require a photo I.D. to vote? I think
23 to protect the integrity of our elections. There's
24 a bipartisan committee. It's called the Commission
25 On Federal Election Professionals here by former



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1 President Jimmy Carter and former Secretary of State
2 James Baker. They concluded -- and I'm going to
3 quote this. It says, "To ensure that persons
4 presenting themselves at the polling place are the
5 ones on the registration list, the Commission
6 represents that states use the real I.D. card. The
7 card includes a person's full legal name, date of
8 birth, signature, a photograph and a person's Social
9 Security number."

10 Now, these requirements that the
11 bipartisan commission came up with are actually more
12 stringent than what is being asked in Senate Bill
13 362.

14 Another reason for requiring a photo I.D.
15 to vote is just the closeness of our elections.
16 These elections are getting closer and closer in the
17 State of Texas and nationwide. So I think the
18 margin for error's less. I think that we need to
19 make sure that we have mechanisms in place to
20 prevent voter fraud.

21 We also must instill confidence in our
22 electoral process. 70 percent of Texans, in a poll
23 done by the University of Texas, support photo I.D.
24 to vote. And so I think it will instill some more
25 confidence in our -- in our voting public.



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1 There's a Rasmussen poll that reported
2 that 77 percent of likely voters across the country
3 believe that displaying a photo I.D. -- believe that
4 displaying a photo I.D. should be required to cast a
5 vote. And so this is a bipartisan issue amongst
6 Republicans and Democrats.

7 Problem with the current Texas law is
8 anyone can use someone else's voter certification
9 card. Voter's certificate cards -- certificate
10 cards can be stolen or lost. There's no proof of
11 citizenship required.

12 Now, there are actually incidences that
13 would support the need -- be prevented if there was
14 a photo I.D. to vote. In 2008 general election
15 there were 62,548 duplicate records, and so those
16 were names showing up multiple times on the rolls as
17 having voted. Now, whether actually voter fraud
18 took place or not, that's a -- you know, a lot more
19 duplicate names than should be there. Obviously,
20 hard to say that for sure. Like you said earlier,
21 it's hard to prove that.

22 In Bexar -- in Bexar County, in 2004
23 primary election there were 41 deceased voters who
24 applied for application by mail.

25 There are also some concerns, obviously,



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1 about voter suppression in minority, poor or elderly
2 precincts. I actually have a study here that was
3 done in Indiana, and it was done by the Institute of
4 Public Policy at the Harry S. Truman School of
5 Public Affairs in Missouri. And it showed that
6 actual -- it compared voter turnout before and after
7 the vote. And afterwards it showed that actually
8 the -- the -- the voting in minority precincts and
9 those areas actually increased by 2 percent. And so
10 photo I.D. did not suppress voter turnout in those
11 instances.

12 Thank you.

13 CHAIRMAN SMITH: All right. I --
14 I -- I just -- you mentioned the Carter Baker
15 Commission --

16 ROBIN ARMSTRONG: Yes, sir.

17 CHAIRMAN SMITH: -- and you mentioned
18 that -- that they had some more stringent
19 requirements in terms of what they were requesting
20 states to do than perhaps is in the Senate bill.

21 ROBIN ARMSTRONG: Correct.

22 CHAIRMAN SMITH: And I just want to
23 indicate for the record that this report was issued
24 in September of 2005. And just for purposes -- I
25 assume that the members of the audience are familiar



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1 with this report. You'll probably hear some more
2 discussion of it during the meeting. It's a
3 commission of experts that was appointed to look at
4 the issue of our election process in general after
5 the very interesting Presidential election that we
6 had in 2000. It was headed by Republican former
7 Secretary of State James Baker on the one hand and
8 former President Jimmy Carter on the other. And
9 they issued a very lengthy report, which I think all
10 the Members of the Committee have looked at to some
11 extent. And they do recommend a photo
12 identification in conjunction with a real I.D. card,
13 which simply has not taken off for a variety of
14 reasons, including some degree of opposition, I
15 understand, from both the right and -- and from the
16 left. And they do recommend a -- a five-year
17 transition period in this report. So they recommend
18 that until -- and it was issued in 2005; that until
19 January 1st, 2010, the State should require voters
20 to present I.D. at the polls, but voters who fail to
21 do so should nonetheless be allowed to cast a
22 provisional ballot, and their ballot would count if
23 their signature was verified. After January 1st,
24 2010, their recommendation is voters without a valid
25 photo I.D. could cast a provisional, but they would



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1 have to return personally to the appropriate
2 election office within 48 hours with a valid photo
3 I.D. for their vote to be counted after that
4 five-year transition period.

5 But I think it's important for everybody
6 in the audience to understand and -- and -- and I'll
7 ask you if you -- if you will and if you do, to
8 agree with me that -- that there really were two
9 sides of the recommendation of that commission. One
10 was that we enhance the security at our polls and --
11 and the other was that we simultaneously expand
12 access to the polls by states taking affirmative and
13 aggressive steps to register additional voters.

14 Do you recall that -- that collateral
15 recommendation of that bipartisan commission?

16 ROBIN ARMSTRONG: No, I do not.

17 CHAIRMAN SMITH: Okay. Well --

18 ROBIN ARMSTRONG: I'm not disagreeing
19 with you.

20 CHAIRMAN SMITH: I understand.

21 And I'll just represent to you, without
22 getting into it, that -- and I'll read just a -- one
23 sentence from their letter, which summarizes their
24 findings. "We're recommending a photo I.D. system
25 for voters designed to increase registration with a



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1 more affirmative and aggressive role for states in
2 finding new voters and providing free I.D.s for
3 those without driver's licenses".

4 And I'll just represent to you that I've
5 looked at quite bit of information on this subject,
6 and it's the only area where I have found anybody
7 that's been able to find any degree of bipartisan
8 consensus on this issue. Simply pointing out that
9 there is no need to choose between enhanced security
10 on the one hand and increased -- and enhanced access
11 on the other; you can have both. And, in fact,
12 this -- this commission is -- is recommending both.

13 Any -- any other questions, Members of the
14 Committee?

15 All right. I don't think we have any.
16 Thank you very much for your time.

17 ROBIN ARMSTRONG: Excuse me.

18 CHAIRMAN SMITH: Excuse me. Rep --
19 Representative.

20 REPRESENTATIVE BROWN: Thank you,
21 Dr. Armstrong.

22 ROBIN ARMSTRONG: Thank you.

23 REPRESENTATIVE BROWN: Appreciate
24 your comments.

25 You -- you meet with a lot of candidates



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1 involved in a lot of elections and so on. What is
2 your -- your idea of fraud among us? Is it there,
3 or are we chasing after something that doesn't
4 exist?

5 ROBIN ARMSTRONG: Well, I -- I
6 believe there's voter fraud amongst us. You know, I
7 believe that sometimes it's -- it's difficult to
8 determine whether it's voter fraud or voter
9 ignorance. But I think the result is the same. And
10 I think that we probably should -- we -- we should
11 have legislation to make sure that -- that we can
12 make sure that that doesn't happen, you know,
13 especially as these elections become closer and
14 closer. I believe, you know, our -- our system --
15 our election system is going to be under more
16 pressure to make sure that we have mechanisms in
17 place so that we can root out any types of fraud
18 or -- or ignorance or people making mistakes and
19 voting incorrectly. So I think it's important to
20 have legislation such as this.

21 So, yes, I think it does exist.

22 REPRESENTATIVE BROWN: And I assume
23 you mean by rooting out ignorance that while we're
24 pursuing the fraud that we're also trying to
25 educate --



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1 ROBIN ARMSTRONG: Correct.

2 REPRESENTATIVE BROWN: -- our voters
3 as much as we can?

4 ROBIN ARMSTRONG: Yes.

5 REPRESENTATIVE BROWN: I agree.

6 Thank you.

7 ROBIN ARMSTRONG: Thank you.

8 CHAIRMAN SMITH: Any other questions,
9 Members? Thank you, Mr. Armstrong, very much.

10 ROBIN ARMSTRONG: Thank you.

11 CHAIRMAN SMITH: At this time the
12 Chair calls Mary Naranjo, representing the Texas
13 Young Democrats, U.T. College Democrats of America
14 Presidents, testifying against Senate Bill 362.

15 If you don't mind, for the record please
16 state your name again and who you represent.

17 MARY NARANJO: Whoa. It's Mary
18 Naranjo. Good afternoon.

19 So there are a couple things --

20 CHAIRMAN SMITH: You gave your name.
21 Please tell me who you represent again.

22 MARY NARANJO: Sorry. I'm the
23 President of College Democrats of America and also
24 the Vice President of Texas Young Democrats and a
25 student at the University of Texas as a senior.



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1 CHAIRMAN SMITH: Thank you.

2 MARY NARANJO: Hook 'em.

3 One of the things that I would just like
4 to start my testimony off with, which is a great
5 maxim for anyone in this room to kind of be thinking
6 about when thinking of the election system, is if it
7 ain't broke, don't fix it. And this issue isn't a
8 problem at the moment.

9 I think it's interesting that, you
10 know, while I'm working with students across the
11 U.S., whether it be in Indiana, Florida or Virginia
12 or Colorado, where we're trying to get students to
13 the polls, we're actually now trying to bring in a
14 regressive piece of legislation that is going to
15 actually disenfranchise students. And while we have
16 people up here talking about different minorities,
17 these college students are still not a protected
18 class under the Voting Rights Act. And later on in
19 the testimony, I would love to give you some great
20 examples of when I was in Florida working in the
21 2008 election.

22 But one -- one real world piece of, you
23 know, information I would like to give you is my
24 driver's license. Currently it says Lufkin, Texas,
25 where I'm originally from, my permanent address. If



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1 I ever changed it, my mom would probably get mad at
2 me, because she would think I'm actually an adult.
3 However, I do live in Austin, Texas. And I've gone
4 to school here for five years. And actually, under
5 the current piece of -- under the current statute, I
6 can vote in Travis County because I've worked here,
7 I've worked on a number of campaigns here and I'm
8 really invested in a number of the issues. And
9 so -- however, if we actually went under Senator
10 Fraser's piece of legislation I would not be able to
11 vote in Travis County.

12 One correction I would like to make is
13 looking at Section 9, there was a question, and I
14 can't remember by which Representative -- the
15 assertion was actually made that, you know, we would
16 be helping people to vote because they would only
17 have to bring their I.D. or their voter registration
18 card. Right? So making an I.D. required we would
19 be helping them. Well, current statute already
20 states that you can bring a voter I.D. card or your
21 driver's license. So it's or, not and. And I think
22 that's an important delineation to make, because a
23 photo I.D. is not required right now, not even to
24 register to vote. So then having a photo I.D.
25 required and/or something like a birth certificate



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1 where you have to pay for this type of documentation
2 cost money. And I know that that's, you know, a
3 controversial thing to bring up a poll tax. But in
4 all honesty, the fact that you have to pay to get a
5 piece of documentation to then vote is just that
6 very issue and is that definition -- the definition
7 of that.

8 CHAIRMAN SMITH: Thirty seconds.

9 MARY NARANJO: Thank you.

10 One particular thing I would like to bring
11 up is for students in particular this bill is
12 harmful because of issues with domicile and
13 residency, just like the example I gave of my
14 driver's license. In addition to photo I.D.s --
15 state-issued photo I.D.s, of the 44 million students
16 who voted, 19 percent of them don't have a
17 government-issued photo I.D.

18 CHAIRMAN SMITH: Okay. I think your
19 three minutes is up.

20 So tell me, you currently attend the
21 University of Texas Austin?

22 MARY NARANJO: Yes, sir.

23 CHAIRMAN SMITH: Are you registered
24 to vote in -- in Travis County?

25 MARY NARANJO: I can be under this



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1 law.

2 CHAIRMAN SMITH: Are you currently,
3 though?

4 MARY NARANJO: No, sir. I drive four
5 hours to go and vote in Lufkin, Texas, because the
6 absentee ballot that I've cast in the past never
7 made it to my county. And so I had to drive on
8 election day to make sure I got to vote.

9 CHAIRMAN SMITH: So under current law
10 you're not able to vote in Travis County. You're
11 just saying if you registered here, you could?

12 MARY NARANJO: In current law if I
13 wanted to with my -- despite the fact that my
14 driver's license has a Lufkin, Texas address on it,
15 I can still put down my Social Security number
16 and/or my Texas driver's license and register to
17 vote in Travis County. It would be a new
18 registrant, and I would be changing from Angelina
19 County to Travis County. That's why I concurrently
20 have a Texas driver's license in Lufkin and also
21 vote in Travis County as long as I don't vote in
22 both places. That's election fraud.

23 But under Senator Fraser's bill, if I were
24 to have a driver's license or photo I.D. that said
25 Lufkin, Texas, and the voter roll had my address for



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1 Austin, then there would be a discrepancy as to
2 domicile, as to where I live. And so that's where
3 students would be getting turned away. And there
4 are a number of examples of that happening in other
5 states, some where I actually worked in during the
6 election, that being Florida.

7 And so while in theory, you know, it
8 should all work out and everyone should, you know,
9 be able to vote, the implications, the actual
10 practice and logistics of it don't get carried out
11 that way.

12 CHAIRMAN SMITH: And so you're making
13 the presumption that that would change because of --
14 of -- of the -- and we've talked about this on the
15 Committee, and this may or may not make any sense to
16 you. But because of the difference in a presentment
17 standard under the current legis -- under the
18 current language of the law and an identity standard
19 under the law. Is that -- is that your
20 understanding?

21 MARY NARANJO: So the presumption is
22 not there. It's kind of been dropped out or
23 something with the new text. Right?

24 So if there are acceptable forms of I.D.
25 that have -- that are going to be of particular



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1 interest to students is that section -- it would be
2 Section 63.0101, Part 1, "A driver's license or
3 personal identification card issued to the person by
4 the Department of Public Safety that is not expired
5 or that expired no earlier than two years before the
6 date of presentation."

7 Now, what's being stricken out is, "Or a
8 similar document issued to the person by the agency
9 of another state regardless of whether the license
10 is a card or has expired."

11 So students like -- if we have students
12 who are out-coming -- let's say we have Oklahomans
13 come to Texas because they realize Texas is just a
14 better state, which I think we can all agree in this
15 room about. Right?

16 Well, so you have a student who comes to
17 Texas, wants to vote in a Texas election, well, the
18 U.S. Supreme Court says if you go to school in Texas
19 and you consider Texas your home, is what the
20 current statute says, then you can vote in Texas.
21 However, if that person has an Oklahoma driver's
22 license under this -- taking -- taking this chunk
23 out of the bill, they can't. That's how students
24 are going to get turned away. I mean, that's --

25 CHAIRMAN SMITH: So your concern is



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1 about students from other states. It really doesn't
2 affect you --

3 MARY NARANJO: It's both.

4 CHAIRMAN SMITH: Okay. Tell me how
5 it affected you.

6 MARY NARANJO: Because if I were to
7 come to Travis County and they were going to look at
8 my -- if I had a state-issued I.D. and I still had
9 my Lufkin address, which my mother clings onto
10 because she wants me to come back home some day,
11 then I have go to them and say, "Here's my I.D. And
12 it has my Lufkin address, which does not match their
13 address on the voting roll, which would be an
14 Austin, Texas, address," then that's where the
15 discrepancy happens. And while it's not explicit,
16 the problem is when you look at similar laws, like
17 in Indiana, that's where the discrepancy issue is
18 created, because in Indiana a state-issued I.D. to
19 meet the requirements of an I.D. has to have a name,
20 a photo, an expiration date and must be current.

21 For instance, students at I.D. Bloomington
22 (phonetic) they don't have an expiration date on
23 their student I.D.s. So they can't use that as a
24 student card to go and vote.

25 CHAIRMAN SMITH: Do you get a student



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1 identifying card at the University of Texas?

2 MARY NARANJO: Yes, sir.

3 CHAIRMAN SMITH: Is that --

4 MARY NARANJO: In fact, I've got it
5 right here.

6 CHAIRMAN SMITH: -- your Austin
7 address?

8 MARY NARANJO: No, sir. There's not
9 an address on these student cards. In fact, there's
10 a photo, there's my name. There's not even an
11 expiration date. There's a code that I can get food
12 with, but I can't get to vote with it.

13 CHAIRMAN SMITH: Okay. Language in
14 the Senate bill says among the list of photo
15 identification that would be acceptable, a valid
16 identification card that contains a person's
17 photograph and is issued by an agency, institution
18 or political subdivision of this state.

19 UNIDENTIFIED REPRESENTATIVE: Would
20 that not qualify?

21 CHAIRMAN SMITH: I believe it would.
22 That's my -- that's my suggestion.

23 UNIDENTIFIED REPRESENTATIVE:
24 (Inaudible).

25 MARY NARANJO: I -- I would humbly



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1 disagree that, in practice, similar language like
2 that in the Indiana bill --

3 CHAIRMAN SMITH: Not similar
4 language, actually. You said the language said it
5 had to have an expiration. This doesn't call for an
6 expiration.

7 You're talking about an Indiana bill.
8 You're not talking about the Texas bill.

9 MARY NARANJO: Yes, sir. But I'm
10 actually talking about actual practice, like when
11 you have poll workers.

12 CHAIRMAN SMITH: I know exactly what
13 you're talking about.

14 UNIDENTIFIED REPRESENTATIVE: The
15 point is -- the point is the Indiana law has
16 requirements about what has to be on that card that
17 doesn't appear to be in this language.

18 CHAIRMAN SMITH: The point I'm
19 making --

20 MARY NARANJO: That's --

21 CHAIRMAN SMITH: -- is I believe the
22 Senate bill is intended to allow you to vote by
23 simply using your student identification card that
24 is -- I can certainly represent that it is issued to
25 every student in every school in the state, but



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1 certainly is issued, I believe, to almost all of
2 them.

3 And you've got one.

4 MARY NARANJO: It is a state -- it is
5 a state school.

6 CHAIRMAN SMITH: And let me just be
7 clear. You know, the -- we've had a lot of
8 discussion about the extent to which we're going to
9 change current law in terms of the mech -- the way a
10 poll worker identifies whether you do or do not have
11 the proper documentation. And I think there's
12 probably a consensus on this Committee that at the
13 end of the day the consensus in the House is that we
14 not change the current standard to not create any
15 additional complication and that the -- the purpose
16 of this bill would simply be, again, current
17 standard in terms of the way they handle
18 identification, one photo on the list or two
19 non-photos on the list. And there's a number of
20 documents on both lists, and I don't suppose there's
21 anybody in the State of Texas that has every
22 document on both lists.

23 And so I know that there's a number of
24 people that can -- can -- can testify that I don't
25 have this particular document or I don't have this



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1 particular document. But I guess what we're really
2 interested in is hearing from anybody that doesn't
3 have any document on the list that would be
4 sufficient to allow them to vote. And it -- it
5 sounds like to me that I -- I have fairly quickly
6 identified a document that you have as a University
7 of Texas student in Austin that would allow you to
8 vote, especially to the extent that we maintain the
9 current standard in terms of the -- the way in which
10 the poll worker determines whether you do or do not
11 have proper documentation.

12 MARY NARANJO: So -- and so just to
13 make sure that I'm understanding correctly, that
14 under Section 6 of the, you know -- which
15 identification you can be able to use, you would say
16 that Part B, "An agency, institution or political
17 subdivision of this state" qualifies as a student
18 I.D.?

19 CHAIRMAN SMITH: Yes. University of
20 Texas.

21 MARY NARANJO: Okay. So what about
22 students at Trinity, St. Mary's, SMU?

23 CHAIRMAN SMITH: That's -- that's
24 a -- that's a -- a question I -- you know, they may
25 or may not, depending on how that is defined --



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1 qualified --

2 UNIDENTIFIED REPRESENTATIVE:

3 (Inaudible).

4 CHAIRMAN SMITH: No. That's one of a
5 number of the list.

6 MARY NARANJO: One thing I would
7 recommend to the Committee is that you would also
8 look at transcripts as another form, considering
9 most students living in the dorms do not get a
10 utility bill, and in most cases we really don't get
11 a number of the two -- two items.

12 CHAIRMAN SMITH: And we've -- we've
13 heard from representatives of the AARP where we've
14 talked about certain senior citizens that do not get
15 an electric bill and do not get a water bill --

16 MARY NARANJO: Uh-huh.

17 CHAIRMAN SMITH: -- but -- but
18 this -- this would allow them to vote with a Social
19 Security card, with a Medicare card, with a Medicaid
20 card.

21 MARY NARANJO: Those are all things
22 old people have.

23 CHAIRMAN SMITH: I understand. I'm
24 talking about --

25 MARY NARANJO: I'm sorry.



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1 CHAIRMAN SMITH: -- my -- my -- I
2 understand.

3 REPRESENTATIVE BROWN: It's next to
4 [sic] who belongs to AARP. That's what he just
5 said.

6 MARY NARANJO: Right. Sorry.

7 CHAIRMAN SMITH: My point is we're
8 talking about a number of people who say I don't
9 have this. And depending on whether you're a young
10 person or an old person what you don't have may
11 vary. But the question is, is there anybody out
12 there that doesn't have the ability to obtain the
13 proper identification. And to the extent that that
14 is -- there are legitimate concerns of that -- of
15 that kind, I can assure you I think the Committee's
16 intent is to address them.

17 To the extent that we simply have a number
18 of people that can identify certain things that they
19 do not have while conceding that they have a lot of
20 other things that would allow them to vote, I don't
21 know that that testimony will be as persuasive.

22 REPRESENTATIVE BROWN: Mr. Chairman --

23 CHAIRMAN SMITH: Yes?

24 REPRESENTATIVE BROWN: -- just one
25 relevant question here.



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1 MARY NARANJO: Yes.

2 REPRESENTATIVE BROWN: I think she
3 said she can only vote in Lufkin. Is that where?

4 MARY NARANJO: Yes, ma'am.

5 REPRESENTATIVE BROWN: With her --
6 with her I.D. because a different address on the
7 I.D. Is that correct?

8 CHAIRMAN SMITH: I understand. But I
9 think it's the intent of this Committee if we do
10 what I think we're intending to do --

11 MARY NARANJO: Uh-huh.

12 CHAIRMAN SMITH: -- and I'm not clear
13 on frankly how the Senate language affects you. I'm
14 not conceding that it adversely affects you, but
15 I -- I -- I know we can adopt language that does not
16 change current law in that regard. I mean, it may
17 be that current law creates a problem for you to the
18 extent that your identification that is allowed
19 under current law is not at the proper address. I
20 don't know. But it's not our intent --

21 MARY NARANJO: Actually --

22 CHAIRMAN SMITH: -- to complicate
23 that any more than is necessary. We had discussion
24 last night about the fact that you cannot --

25 MARY NARANJO: I heard.



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1 CHAIRMAN SMITH: -- completely remove
2 discretion from poll workers. You don't want to do
3 that. You don't want to create a bright -- bright
4 line test for where every letter of the I.D. must
5 match the voter registration card, or you're going
6 to create all kinds of problems. You want to allow
7 some discretion on the part of the worker, but I --
8 but on the other hand I think you -- you want to --
9 some limits on the extent of discretion on the part
10 of the poll worker. And that's the balance we're
11 going to be trying to strive.

12 MARY NARANJO: I definitely
13 appreciate the intent of the Committee, especially
14 after listening to testimony for 12 hours yesterday.
15 So I understand you've heard a litany of issues in
16 regards to this.

17 Two things I would like to point out. I
18 think there was a slight misunderstanding - and I
19 can explain it again if you want, or for the sake of
20 brevity, I can skip over it - that currently I can
21 register in Travis County because I live here. But
22 if the -- the way that the law was interpreted, it's
23 the -- from my understanding from the Senate
24 language that I would not be able to vote with my
25 driver's license from Lufkin, because it has me as a



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1 resident in Lufkin, Texas. So I could not vote in
2 Travis County.

3 The second thing that I would all -- the
4 second thing that I would also just like -- did you
5 need something? Sorry.

6 UNIDENTIFIED REPRESENTATIVE: I -- I
7 just -- we just had that discussion about your I.D.
8 and we discussed what it said in the law. So we
9 went over that.

10 VICE CHAIR PENA: Yes, Mr. Chairman.

11 CHAIRMAN SMITH: I believe the
12 Indiana law specifically requires a driver's license
13 with certain information on this.

14 What this law requires is a driver's
15 license or personal identification card issued to
16 the person by the Department of Public Safety that
17 has not expired or that expired no earlier than two
18 years before date of presentation. I think --

19 UNIDENTIFIED REPRESENTATIVE: Uh-huh.

20 CHAIRMAN SMITH: -- it provides you
21 with an opportunity to -- to persuade the poll
22 worker that -- that -- that though the address is
23 different because you're at the University of Texas
24 School of Law, that is your driver's license. And I
25 believe --



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1 MARY NARANJO: Uh-huh.

2 CHAIRMAN SMITH: -- that's the same
3 thing that you currently have to do under current
4 law to the extent you try to vote with your driver's
5 license.

6 MARY NARANJO: Which would bring up
7 the second thing. And it seems like it -- you
8 know, the intent is to get people to vote that are
9 who they say they are, which is totally a legitimate
10 pursuit.

11 The issue is then in terms of getting this
12 legitimacy in the paperwork, there's a cost. If a
13 student loses their I.D., it costs them \$10. If
14 they want to get a U.T. I.D., it cost them \$10. If
15 they want to get a driver's license, it costs them
16 \$25. And so there is a legitimate issue with it
17 cost -- you have to pay money to vote. And that's
18 my personal opinion.

19 CHAIRMAN SMITH: Well, and then
20 that's why it's significant that this legislation,
21 unlike some of the other pieces of legislation, does
22 not require you to get that photo I.D. That's
23 why -- I think part of the reason why the Senate
24 bill allows an alternative other than a photo I.D.
25 that that -- that would allow those -- and I think



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1 we have determined that we can presume it's a very
2 small percentage, 1.2 percent in Indiana,
3 Mississippi and Maryland. And the presumption is
4 it's a little higher in Texas because of the fact we
5 have a larger minority community.

6 MARY NARANJO: Uh-huh.

7 CHAIRMAN SMITH: But we're talking
8 about a few percent of the people in the state that
9 are registered voters that do not already have photo
10 I.D.s.

11 With regard to that percent, I think
12 you're correct to the extent we mandated a photo
13 I.D., there would be potential arguments regarding a
14 mandated cost that -- that might be a barrier to
15 some people to the polls.

16 But under this bill, they're not doing
17 that. They're allowing two non-photo
18 identifications without requiring anybody to get a
19 photo identification. You understand that?

20 MARY NARANJO: I'm not -- I mean, I'm
21 not familiar with the percentage that you are
22 quoting. But, I mean, there's plenty of --

23 CHAIRMAN SMITH: No. The document
24 says that you have to --

25 REPRESENTATIVE ANCHIA: Can I ask her



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1 a question?

2 CHAIRMAN SMITH: -- to get a photo
3 I.D.

4 Representative Anchia.

5 REPRESENTATIVE ANCHIA: Thank you.
6 Thank you. Mr. Chairman.

7 I think I understand the point.

8 UNIDENTIFIED REPRESENTATIVE: But you
9 have to have documents to get that.

10 REPRESENTATIVE ANCHIA: I think I
11 understand. I'm going to try to ignore the sidebar
12 conversation --

13 MARY NARANJO: No problem.

14 REPRESENTATIVE ANCHIA: -- and try to
15 answer your question.

16 I think I understand the point that you're
17 trying to make. The language of the Senate bill --
18 and we're not talking about the intent of the
19 Committee, but rather you're talking about the
20 Senate bill, is that your identity needed to be
21 verified by the poll worker from the proof
22 presented. Right?

23 MARY NARANJO: Exactly. Yes, sir.

24 REPRESENTATIVE ANCHIA: And that is
25 different than the current presentment standard; it



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1 is an identity standard. Correct?

2 And the point I think you're trying to
3 make is that because you have a -- your registration
4 is in Travis County -- it may have your name and
5 your photograph, but at the same time your --
6 your -- your license has your Lufkin address, that,
7 in fact, it might be difficult for a poll worker to
8 say, well, this is the same person that is on the
9 rolls from the proof presented, because it has
10 conflicting addresses. Is that your concern?

11 MARY NARANJO: Yes, sir.

12 And in addition to that, not only is that
13 my personal concern, but there's also been actual
14 instances in Virginia, in Michigan, in Pennsylvania
15 where students who went to polling locations --
16 while the intent of the Committee may be different,
17 the actual implications and, like I say, the
18 logistics of carrying out the legislation is
19 different sometimes than what the hope is.

20 Like, we didn't hope to get into a
21 recession, but guess what, we are in one. So --

22 REPRESENTATIVE ALISEDA: And you
23 represent college students. Correct?

24 MARY NARANJO: Yes, sir.

25 REPRESENTATIVE ANCHIA: From across



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1 the country. Correct?

2 MARY NARANJO: 75,000.

3 REPRESENTATIVE ANCHIA: So under the
4 Senate bill if the two forms of I.D. that I had when
5 I showed up at the polls were an out-of-state
6 driver's license, say from Oklahoma, and my Southern
7 Methodist University I.D., would I be able to vote
8 under this bill?

9 MARY NARANJO: No. And, actually,
10 that's a specific case.

11 REPRESENTATIVE ANCHIA: Okay. Would
12 I be able to do it if I had an out-of-state driver's
13 license and a Baylor University I.D.?

14 MARY NARANJO: No.

15 REPRESENTATIVE ANCHIA: Would I be
16 able to do it if I had an out-of-state driver's
17 license and a Trinity University I.D.?

18 MARY NARANJO: No.

19 REPRESENTATIVE ANCHIA: Or a Rice
20 I.D.?

21 MARY NARANJO: No.

22 REPRESENTATIVE ANCHIA: Okay.
23 Because those are all private schools and are not
24 covered under the bill. Right?

25 MARY NARANJO: That's correct.



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1 REPRESENTATIVE ANCHIA: So if those
2 are the only two types of I.D. that you brought to
3 the poll and assume they both had your photo on
4 them, right, a private university I.D. and an
5 out-of-state driver's license, you would not be able
6 to vote under the Senate bill. Is that not correct?

7 MARY NARANJO: That is correct.

8 REPRESENTATIVE ANCHIA: And didn't
9 that happen quite a bit in Indiana?

10 Weren't there a lot of college students
11 there who are U.S. citizens, validly registered, of
12 age, and they were turned away at the polls? Is
13 that not correct?

14 MARY NARANJO: Yes. The same thing
15 happened in Florida, which is another one of the
16 three states that we continue to reference, and then
17 we also had problems in South Carolina and Colorado.

18 REPRESENTATIVE ANCHIA: The
19 respect -- the intent of having a broad list of
20 documents. But if you show up to the polls with
21 just -- with two forms of photo I.D., one being your
22 out-of-state driver's license and one being a
23 college -- a private college photo I.D., you're not
24 going to be able to vote, even though otherwise
25 you're eligible?



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1 MARY NARANJO: One, you're not going
2 to be able to vote. And, two, the (inaudible) which
3 actually goes as far as to strike other state I.D.s.
4 So it's actually --

5 REPRESENTATIVE ANCHIA: Affirmatively.

6 MARY NARANJO: Exactly. So we're
7 actually regressing.

8 REPRESENTATIVE ANCHIA: And in past
9 sessions -- I don't know if you're aware, but I
10 worked on this in the 2005 session and 2007 session.
11 Those bills were amended or introduced with
12 provisions for I.D.s from other -- from other
13 universities including private universities from
14 within the State and public universities from
15 outside the State.

16 So I -- I -- I know -- those -- those
17 provisions are noted -- noticeably absent --

18 MARY NARANJO: Right.

19 REPRESENTATIVE ANCHIA: -- from the
20 Senate bill.

21 MARY NARANJO: I mean, in addition to
22 that, students who would be attending the University
23 of Texas who would decide to change their domicile
24 or consider home [sic], there are numerous examples,
25 the most noticeable one being Virginia where



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